

1 before you can determine if an ID is a correct one?

2 PROSPECTIVE JUROR: Yes.

3 MS. SINGAS: How about that whole concept of  
4 being able to recognize someone as opposed to being  
5 able to describe someone? Do you agree sometimes that  
6 might be two different things like you couldn't  
7 describe the person to save your life, but you know if  
8 you saw him then again, you'd be able to recognize it?

9 PROSPECTIVE JUROR: I agree.

10 MS. SINGAS: And I think Mr. Lemke brought up  
11 the point of sometimes you might see somebody that you  
12 think is your neighbor. Has that ever happened to you?

13 PROSPECTIVE JUROR: Yes.

14 MS. SINGAS: You realize that you're wrong?

15 PROSPECTIVE JUROR: Yes.

16 MS. SINGAS: Once you realize you're wrong,  
17 you don't continue after that person, hey, hey, gee,  
18 come on, it's me, Joe. I'm your neighbor; right?

19 PROSPECTIVE JUROR: Has to be the person.

20 MS. SINGAS: Now, the other thing we talked  
21 about is sort of a lot of these women are going to be  
22 testifying through interpreters. That's an opinion.  
23 Anything about that fact you're not going to be able to  
24 hear these women speaking the way I'm speaking to you.  
25 They're going to be speaking and, there's going to be

1 an interpreter saying to the jury, interpreting for the  
2 jury. Anything about that interpretation, the fact you  
3 won't be able to get it sort of first hand from the  
4 victim that troubles you?

5 PROSPECTIVE JUROR: Absolutely not, 'cause in  
6 my work, that happens all the time.

7 THE COURT: Just so everybody is clear, the  
8 interpretation is going to be in English when it comes  
9 back. We're not going to test your language  
10 proficiency during the course of the trial.

11 MS. SINGAS: Thank you, Judge.

12 Mr. Zisman, anything about interpretation  
13 that gives you pause, you won't be able to hear first  
14 hand from the victims? You're going to have to wait a  
15 drum beat and then hear the interpretation in English?

16 PROSPECTIVE JUROR: No, that doesn't bother  
17 me. The recognition thing, I thought a lot about that  
18 yesterday, and the describing, 'cause I saw this  
19 program a while ago, some research about it, and really  
20 interested, I think 20/20, Dateline goes through my  
21 head, did this kind of study about recognizing  
22 somebody, picking someone up out of a line-up, it was  
23 mistaken a lot and a lot of things that, you know, to  
24 me. I thought about that a lot, actually.

25 MS. SINGAS: All right. So you think you'd

1 have to study really the circumstances of how something  
2 happened in order to determine about an identification  
3 whether accurate or not?

4 PROSPECTIVE JUROR: Absolutely.

5 MS. SINGAS: I mean is there anything about  
6 that that you think whatever knowledge that you have,  
7 you know, that came from outside sources, do you think  
8 that's going to affect the way you're going to look at  
9 the evidence here or can you -- I mean, do you think --  
10 I know you said it stayed with you?

11 PROSPECTIVE JUROR: It did.

12 MS. SINGAS: Obviously thinking about it, but  
13 you can't go in the back, say, listen, 20/20 says that,  
14 you know, 30 percent of people blah, blah, blah when  
15 you're deliberating. Can you promise me you're not  
16 going to do that kind of thing?

17 PROSPECTIVE JUROR: No, but it's something I  
18 would think about because I was, you know, amazed how  
19 wrong they were on these things, really blatant stuff.  
20 I know it's one show, that type of thing, but it stuck  
21 with me. It did. I won't, you know, tell everybody  
22 that starts the deliberations, but something I would  
23 think about.

24 THE COURT: One of the instructions,  
25 Mr. Zisman, I would give anticipate giving I should say

1 in a case like this, certain factors, certain criteria  
2 that you can use in evaluating the correctness of an  
3 identification and whatever they may be when I give  
4 them to you at the close of the case, can you give us  
5 your assurance that's what you'll use in making the  
6 determination as to whether or not the identification  
7 is correct?

8 PROSPECTIVE JUROR: What you instruct, yes.

9 THE COURT: Okay.

10 MS. SINGAS: Okay, Ms. Monetti, some of the  
11 testimony you're going to hear has to do with, you  
12 know, various sorts of private and embarrassing  
13 testimony that's going to come from these women. I'm  
14 not going to ask you this, but if I were to ask you to  
15 describe a sexual experience, do you think that would  
16 be a comfortable experience for you in front of a room  
17 full of strangers or you think you might be a little  
18 tentative about doing that?

19 PROSPECTIVE JUROR: If I was to describe?

20 MS. SINGAS: Yeah. If I were asking you  
21 questions that had to do with things of a sexual  
22 nature, do you think for the person that's going to be  
23 telling us about that, do you think that's something  
24 come easy for them or it might be a little difficult?

25 PROSPECTIVE JUROR: I think it would be

1           difficult for them.

2           MS. SINGAS: This kind of case with these  
3           kind of charges, you know, calls for very difficult  
4           testimony than something like a car theft or street  
5           robbery; that these victims might get emotional. Some  
6           of them might some of them might not. Can you promise  
7           me if they appear nervous, you'll take everything into  
8           consideration including what it is that they're  
9           testifying about?

10          PROSPECTIVE JUROR: Sure. They should be  
11          nervous.

12          MS. SINGAS: How about you, Mr. Slawski?  
13          Anything about, you know, about the way the victims  
14          might testify in this case? Can you promise me you'll  
15          take everything into consideration, nature of their  
16          testimony, as well as the way they're saying it when  
17          you're making your determination about how credible or  
18          not they are?

19          PROSPECTIVE JUROR: Yes, I can do that.

20          THE COURT: Couple minutes.

21          MS. SINGAS: I think I'm done. Thank you  
22          all.

23          THE COURT: Mr. Lemke.

24          MR. LEMKE: Thank you, your Honor. Now that  
25          I guess it's good afternoon, round two again. As I

1 mentioned yesterday, very rarely read about or see on  
2 any of the television shows or movies much time spent  
3 on voir dire. It becomes somewhat tedious, especially  
4 this is the second round. There'll be a third round  
5 and I'm sure a fourth round until we get twelve jurors.  
6 Yesterday was kind of a rarity in that we went through  
7 the whole panel without getting at least one juror, and  
8 you hope perhaps to get perhaps two, three, four from  
9 this panel and so forth, and when there's questions  
10 that are asked and there's an answer, maybe I think --  
11 I think you can be fair, I'm not sure. Sometimes we  
12 ask a follow-up question, because as I said yesterday,  
13 we're at somewhat of an advantage. We know what  
14 witnesses will be testifying, to some extent. We know  
15 what the law will be at the end of the case, and we try  
16 to pick jurors and we ask questions, so that at the end  
17 of the case or halfway through the case, a juror  
18 doesn't all of a sudden become very concerned that  
19 something from their past now creeps into their  
20 mindset, and they say, I can no longer be fair to one  
21 side or the other without even waiting 'till the end of  
22 the case, and that's why we ask those type of  
23 situations now.

24 It's Mr. Eisman (sic)?

25 PROSPECTIVE JUROR: Zisman.

1 MR. LEMKE: In fact, for the others as well,  
2 has there been any -- does everybody drive -- let me  
3 ask that. Has there been anybody that has never been  
4 stopped by a police officer either to give a ticket as  
5 a result of speeding or failing to signal? Anybody?

6 Mr. Talbot?

7 PROSPECTIVE JUROR: I've been stopped.

8 MR. LEMKE: If you're stopped, in fact, I  
9 think who hasn't been stopped, let me ask that  
10 question. Okay. Most everybody else has.

11 Police officers. I think it's been mentioned  
12 by Ms. Aubin, like any other profession, I think  
13 Ms. Williams indicated there's good, bad, those perhaps  
14 in the middle, so forth. Police officers as a whole,  
15 they take the stand and they testify, and the question  
16 that's been posed is this, and I use the example  
17 yesterday, if a officer testifies that the light was  
18 red and a civilian says it's green, without hearing  
19 anything else, nothing anything else because of common  
20 experiences, because of anything else, are you going to  
21 say, I'm going to believe the police officer, going to  
22 give the police officer more credibility than the  
23 civilian just because he's a police officer or will you  
24 say, no, let me listen to what else is there.

25 Do you understand kind of that type of

1 questioning as well, and if selected as a juror in this  
2 case, officers as well as civilians take the stand,  
3 testify. Will you listen to all of the evidence or  
4 lack of evidence, follow-up, judge's instructions in a  
5 case such as this?

6 PROSPECTIVE JUROR: I think I should be.

7 MR. LEMKE: Can you do that?

8 PROSPECTIVE JUROR: I think I can.

9 MR. LEMKE: You say you think you can. I'm  
10 going to ask you something. You're married?

11 PROSPECTIVE JUROR: Yes.

12 MR. LEMKE: You play golf at all?

13 PROSPECTIVE JUROR: Yes, I do.

14 MR. LEMKE: Go away maybe for a day or two  
15 with the friends, play golf?

16 PROSPECTIVE JUROR: No.

17 MR. LEMKE: Okay. Let's say you're going  
18 away for the day, leave early in the morning, your  
19 friend pulls up, you give your wife a kiss at the door,  
20 going out east for the whole day, play golf. And for  
21 some reason, she says one of your buddies said  
22 afterwards you're going to stop at a topless place, so,  
23 I'm asking you if they put pressure on you to stop at  
24 the topless place, are you going to go in or stay  
25 strong? Can you promise -- or stay strong and you turn



1 around and say, I think I can, but I'm not too sure  
2 she's going to be happy about you getting in that car,  
3 going away?

4 PROSPECTIVE JUROR: No.

5 MR. LEMKE: But this is again the reason I'm  
6 asking, because this is a highly emotional case, no  
7 question. I think, Ms. Monetti, you've been asked, and  
8 again, individuals coming in. This isn't a case you're  
9 going to have to worry if you're selected as a juror  
10 that there wasn't physical sexual contact with these  
11 young ladies had been sexually violated and raped,  
12 horrible crime, not a consent case. It's not anything  
13 other than forcible sex, as the Judge will give you the  
14 instructions on that. If you're selected in this case,  
15 issue is going to be identification; is this individual  
16 the one.

17 So, Ms. Monetti --

18 PROSPECTIVE JUROR: Monetti.

19 MR. LEMKE: In this case, individual gets  
20 sworn in to tell the truth. As the Judge used the  
21 example yesterday that witnesses could either be lying,  
22 mistaken or telling the truth, basically in between.  
23 Young lady takes the stand, testifies to what happened  
24 to her, and at some point, very emotional witnesses,  
25 going to be Mrs. Tebbett or Mrs. Singas will say, do

1 you see the individual that did that to you, and she  
2 points and says, that's him. That's the guy.

3 Knowing that from the outset, we're here.  
4 You'll have to determine whether that identification is  
5 mistaken or not based upon a number of other factors,  
6 but knowing that that would occur, can you still sit in  
7 this case if you're selected as a juror with the  
8 emotions, with everything that's building and still  
9 follow the Judge's instructions and make a  
10 determination at the end of the case as to whether that  
11 identification, along with anybody else is accurate,  
12 mistaken or credible? Can you do that? Can you  
13 follow? It's kind of putting the issues before you.  
14 Not easy, not a matter of being easy. It's a matter of  
15 can you do that in a case like this. What do you  
16 think?

17 PROSPECTIVE JUROR: Whether or not I can?

18 MR. LEMKE: No. From the outset, witness  
19 takes the stand, says, he's the one who did this.  
20 Obviously, look at the other factors to see if she's  
21 mistaken. My question to you if you listen to the  
22 other factors actually decide, you know, whether she's  
23 mistaken based on other factors, can you do that as a  
24 juror in this case?

25 PROSPECTIVE JUROR: I think so.

1 MR. LEMKE: Just as well as go back that  
2 example if you're convicted you believe based on all  
3 the evidence that it was an accurate identification?

4 Mr. Porcelli.

5 PROSPECTIVE JUROR: Porcelli.

6 MR. LEMKE: Do you understand that question?  
7 You're selected as a juror, witnesses come in, it's a  
8 matter of whether or not that identification -- think,  
9 Mr. Zisman, you had seen some other shows indicating  
10 regarding identifications?

11 PROSPECTIVE JUROR: Uh-hum.

12 MR. LEMKE: Parts of those shows may show  
13 sometimes there's other evidence years later to show  
14 that conviction was overturned because of a mistake  
15 somewhere along the line. Question again,  
16 emotionally --

17 PROSPECTIVE JUROR: Yes.

18 MR. LEMKE: If you're selected as a juror in  
19 this case, police officers take the stand, does it  
20 matter how many police officers take the stand or would  
21 you take a look at what their testimony is, the  
22 quality, quantity not necessarily what is important,  
23 really the quality. I think you have to put it in  
24 context of all the evidence that you heard during the  
25 trial.

1 In a case in witness People, as the Judge has  
2 instructed, has the burden throughout and I know  
3 Ms. Aubin indicated two sides to every story. There  
4 was a very strong opinion earlier at the end of the  
5 People's case. They look over. I say, Judge, we rest,  
6 and Ricardo doesn't take the stand to testify; that she  
7 wouldn't hear or want to listen to anything else. He  
8 might be hiding something and it's okay initially to  
9 say, why is that, and that's why we discuss that.

10 Now how would you feel about that scenario?

11 PROSPECTIVE JUROR: I would have to think  
12 about what I've heard. There's too much. It's a very  
13 intricate process. I think you have to really look at  
14 the situation. There could be a mistake. Nothing is  
15 perfect, so you have to weigh everything and think and  
16 process during the trial.

17 MR. LEMKE: That's all we could ask.

18 Mr. Slawski?

19 PROSPECTIVE JUROR: Yes.

20 MR. LEMKE: Another concern why I'm asking is  
21 now at some point in time, you're going to be asked if  
22 selected as a juror in a case such as this, that  
23 there's not one individual came in here and said he did  
24 this to me, but perhaps three or perhaps four talk a  
25 little bit about yesterday a couple of judges said four

1 people make a mistaken, somebody else similar in  
2 nature, again not guilty charges. Themselves, without  
3 hearing more of the specifics and again, if selected as  
4 a juror, again, kind of hard to ask questions for you  
5 to answer in a vacuum. But again, as the Judge  
6 indicated, not 'till the end of the case did you get  
7 the charge from the Court as well, but in that  
8 scenario, can you still sit here and evaluate each of  
9 the individuals' testimony alone because you're going  
10 to be asked to separate one from the other to the other  
11 to the other. What you may find on one may not be what  
12 you find on the other, so on, so forth.

13 MR. LEMKE: Could you do that in a case where  
14 you have a number of dates of incident dating back to  
15 2005? Could you do that if selected in the case?

16 PROSPECTIVE JUROR: Yes, I think I can.

17 MR. LEMKE: If, at the end of the case,  
18 People's case on behalf of Ricardo stand up, say,  
19 Judge, fine, we rest. People still have the burden,  
20 follow the Judge's instructions regarding that?

21 PROSPECTIVE JUROR: Yes.

22 MR. LEMKE: Role of a police officer, I think  
23 Mr. Zisman --

24 PROSPECTIVE JUROR: Zisman.

25 MR. LEMKE: Issued speeding summons.

1           Whatever the case may be, Mr. Slawski, would you agree  
2           with me certainly there's a role that police officers  
3           have in either investigating cases, maybe a detective  
4           that picks it up and so forth, but there are certain  
5           roles that police officers have regarding  
6           investigations. Do you agree in that sense,  
7           Mr. Slawski, regarding that?

8                       PROSPECTIVE JUROR: Yes.

9                       MR. LEMKE: Mr. Blankman?

10                      PROSPECTIVE JUROR: Yes.

11                     MR. LEMKE: You wouldn't expect a police  
12           officer to come in here halfway through his testimony,  
13           instruct you on the law of the case; right? That would  
14           be the Judge's function, and the prosecution in the  
15           case wouldn't expect the officer, when he gets up here,  
16           to start telling you, okay, whatnot, only the burdens  
17           are, but start asking various questions that would be  
18           the role of the prosecutor.

19                      PROSPECTIVE JUROR: Yes.

20                     MR. LEMKE: Defense counsel, whether he  
21           chooses to ask questions or not and so forth, so if  
22           you're selected as a juror in the case, police officer,  
23           police officers, civilians testifying at the end of the  
24           case, if selected based upon the evidence or lack of  
25           evidence at the end of the case, I submit to the jury

1 that police officer whether it's Estes or another  
2 officer, went beyond their role. They arrived at say a  
3 location, took certain information, but now they jumped  
4 to play judge, now jumping to say, give an opinion as  
5 to whether they think somebody is guilty or not. My  
6 question that I asked of you and everybody else, if  
7 selected as a juror, can you take the role that you'd  
8 be asked to perform as a juror and evaluate the  
9 evidence and know the roles of the police officer do  
10 certain things. If I came to you at the end, say this  
11 police officer may be credible, I submit to you, in  
12 this case, take a look what this officer is saying. It  
13 doesn't make sense. Can you follow that kind of  
14 scenario? Can you do that if selected in this case?

15 PROSPECTIVE JUROR: Yeah.

16 MR. LEMKE: See if it makes sense or not  
17 regardless of whether they come in, put a shield in  
18 their pocket, so forth.

19 PROSPECTIVE JUROR: Yes.

20 MR. LEMKE: Okay. Mr. Talbot, I believe?

21 PROSPECTIVE JUROR: Yes.

22 MR. LEMKE: You sat on a civil case?

23 PROSPECTIVE JUROR: Yes.

24 MR. LEMKE: Did that settle?

25 PROSPECTIVE JUROR: No, they settled out of

1 court.

2 MR. LEMKE: And I think it was Mr. Zisman.

3 PROSPECTIVE JUROR: Zisman.

4 MR. LEMKE: Alternates. In addition, if it's  
5 too personal regarding your wife and sister-in-law?

6 PROSPECTIVE JUROR: Yeah.

7 MR. LEMKE: Because of the allegations in  
8 this case, anything which should concern --

9 PROSPECTIVE JUROR: I thought a lot about  
10 that last night, think about that and, you know, don't  
11 want to be wishy-washy. I'll try. I just think it was  
12 a real emotional thing. They're still dealing with it  
13 today and stuff, that I deal with, also with them, and  
14 all that stuff and then, you know, I know everything is  
15 different, every case is different, but I thought about  
16 what you said. So, you know, I think it might play  
17 something into what I would think about on that.

18 MR. LEMKE: Because, and you're right in that  
19 case, these types, all crimes, but these type of  
20 vicious crimes last forever, the woman, child, so  
21 forth, and if you're selected as a juror sitting here,  
22 knowing many times things come up, perhaps your wife  
23 and sister, yourself, get very emotional twenty years  
24 later, see something on TV or something.

25 PROSPECTIVE JUROR: Uh-hum.



1 MR. LEMKE: Sitting as a juror and hearing  
2 testimony perhaps to what has occurred whether it's two  
3 years ago, so forth, question is does your experience  
4 now come into play. A very young woman going to have  
5 to go through this. Does that now cloud your ability?  
6 Take a look at the charges and see whether or not  
7 correct identification. Think about that for a second.  
8 We'll go back.

9 Okay. Ms. Rappa?

10 PROSPECTIVE JUROR: Yes.

11 MR. LEMKE: Claims secretary for insurance  
12 company. I take it you don't necessarily deal with  
13 attorneys usually?

14 PROSPECTIVE JUROR: I send out a lot of  
15 letters. I know the detail of the cases.

16 MR. LEMKE: I wouldn't think anything in  
17 regards to that that would influence you one way or the  
18 other?

19 PROSPECTIVE JUROR: No.

20 MR. LEMKE: Ms. Williams, civil jury? That  
21 was settled?

22 PROSPECTIVE JUROR: Yes.

23 MR. LEMKE: So you didn't. Those of you who  
24 sat on a civil jury, instructions obviously are much  
25 different than criminal. The burden is different. As

1 a whole, anybody sat on a civil case, anything from  
2 that in any way influence? No? Okay. The last  
3 question I would have, and I'll ask it to Mr. Slawski,  
4 there's been a lot over the last ten years, a lot of  
5 things, come a long way. Are you familiar to some  
6 extent with DNA?

7 PROSPECTIVE JUROR: Yes.

8 MR. LEMKE: From reading about it or just as  
9 a whole, what experiences, if any, have you had with  
10 DNA? What's your opinion of it, so forth?

11 PROSPECTIVE JUROR: Just mainly on TV, what I  
12 see at home, TV, and I know it's like the latest  
13 technology for identifying people.

14 MR. LEMKE: Testing, actually scientific  
15 testing and result. If there's some testimony  
16 regarding that, experts come in, so forth, if you're  
17 selected as a juror regarding DNA profiling, so forth,  
18 is that, in and of itself, going to be enough for you  
19 to either acquit or convict, or again, you'll take a  
20 look, listen to the manner in which the testing was  
21 done or not done to determine whether or not that's  
22 accurate or not?

23 PROSPECTIVE JUROR: I think I would have to  
24 weigh all the evidence, but I would say it has a great  
25 effect on my decision.

1 MR. LEMKE: That you feel be pretty strong?

2 PROSPECTIVE JUROR: Pretty strong.

3 MR. LEMKE: But what you know is basically  
4 what you read and seen on TV?

5 PROSPECTIVE JUROR: Yes.

6 MR. LEMKE: Everybody feel pretty much the  
7 same way? DNA? A lot to say. An expert comes in,  
8 says, by the way, we tested this substance, doesn't  
9 match somebody, but all of a sudden, we have something  
10 here that's a match. The question is, if that's the  
11 case, without listening to how the protocol may be to  
12 have that tested, the question to potential jurors is,  
13 again, you have to take everything together in  
14 evaluating. If there's some testimony regarding DNA  
15 one way or the other, they come in, say some type of  
16 DNA, not a match. That mean you're going to acquit or  
17 take a look and all the other evidence or if they come  
18 in say, hey, there's a match with Ricardo, he must be  
19 guilty without looking at anything else?

20 Ms. Rappa, what do you think about that?  
21 Again, tough question. All of a sudden again in a  
22 vacuum. You have something else to consider?

23 PROSPECTIVE JUROR: I think you can't base it  
24 all on one factor. You have to base it on all the  
25 testimony, but that's not the whole thing.

1 MR. LEMKE: For anything, one officer's  
2 testimony. Ms. Williams, question whether there's  
3 scientific or expert testimony regardless whether  
4 ballistics evidence, gun is operable, it works? Going  
5 to just take the expert testimony or consider, evaluate  
6 it as you would do anything else whether it's accurate  
7 or not? Now, all of a sudden you, got not just a  
8 civilian testimony, you have an expert. Twenty years,  
9 written books, published and I say this again, you want  
10 to get so influenced because someone says they're an  
11 expert or take a look at the manner which the sample  
12 was collected, tested, so forth. Be able to do that?

13 PROSPECTIVE JUROR: I could do that.

14 MR. LEMKE: Ms. Rappa, I think you indicated  
15 you can do that.

16 Ms. Temple, I don't think I asked too many  
17 questions. Ultrasound tech?

18 PROSPECTIVE JUROR: Yes.

19 MR. LEMKE: Maternity?

20 PROSPECTIVE JUROR: Mostly general though.

21 MR. LEMKE: Out of North Shore?

22 PROSPECTIVE JUROR: No, in a private  
23 practice.

24 MR. LEMKE: I don't think there's been too  
25 many questions. Police officers, you can evaluate the

1 testimony, emotional aspect of the testimony with them  
2 testifying and so forth?

3 PROSPECTIVE JUROR: Yes.

4 MR. LEMKE: Last 30 seconds. Ask yourselves  
5 as I did to the first group I believe yesterday, you  
6 know, somewhat obviously, the charges, allegation.  
7 You've heard a number of answers from a number of  
8 people. One had a friend that was assaulted like the  
9 acts here. Someone else indicate this reason, that  
10 reason, kind of go through, screen out those reasons  
11 for those situations. Ask yourselves, would you want  
12 somebody with your frame of mind with your life  
13 experiences, everything you either read, haven't read,  
14 so forth, you want somebody with your frame of mind  
15 sitting on a case such as this, significant seriousness  
16 to the charges, so forth, case like this if you were  
17 sitting that seat. Mr. Walters --

18 MS. SINGAS: I object to that question,  
19 Judge.

20 THE COURT: Overruled.

21 MR. LEMKE: Ms. Williams, you ready to sit on  
22 this case?

23 PROSPECTIVE JUROR: Yes.

24 MR. LEMKE: Ms. Rappa?

25 PROSPECTIVE JUROR: Yes.

1 MR. LEMKE: Mr. Zisman?

2 PROSPECTIVE JUROR: No.

3 MR. LEMKE: That's because of --

4 PROSPECTIVE JUROR: It's a serious thing.

5 You said about the frame of mind, if I can give a fair  
6 shake. Just too --

7 MR. LEMKE: General in specific?

8 PROSPECTIVE JUROR: Yes.

9 MR. LEMKE: Ms. Temple?

10 PROSPECTIVE JUROR: Yeah.

11 MR. LEMKE: Ms. Flynn?

12 PROSPECTIVE JUROR: No.

13 MR. LEMKE: Because, again, the questions you  
14 had answered. Okay. Mr. Blankman?

15 PROSPECTIVE JUROR: Well, I know I could be  
16 fair, but at the same time, I have slight concerns  
17 about media exposure that I had previously. I don't  
18 think it necessarily would in newspapers, my opinion.

19 MR. LEMKE: Let me ask a question, keep it  
20 simple. Pick up the paper, you read so and so is  
21 acquitted of murder, acquitted all these charges. Is  
22 your initial instinct to say, gee, how did this guilty  
23 guy get off? Another one? Or you're saying, okay,  
24 justice was served whatever the case; right?

25 PROSPECTIVE JUROR: Probably neither until I

1 read more about it.

2 MR. LEMKE: So in this case, there will  
3 probably be some publicity, be instructed everyday not  
4 to Google, on-line, anything, yet still maybe reading  
5 may turn to something, see something kind of like,  
6 okay, read other magazines as opposed to newspapers,  
7 but doesn't seem to be anything that just sits there.  
8 Fact is we're in court. Fact is these are serious  
9 charges. The indictment, the Judge instructed you, no  
10 basis other than bringing him here. We're all here  
11 ready to go. You're going to have to decide the  
12 identificaion, guilt or innocence of these four  
13 separate incidents, so forth, so doesn't concern me you  
14 may have seen something. That's okay.

15 PROSPECTIVE JUROR: Yeah.

16 MR. LEMKE: Mr. Talbot?

17 PROSPECTIVE JUROR: Really don't think so.

18 MR. LEMKE: I may have missed something  
19 because of friends who are police officers. Why don't  
20 you think you could follow the Judge's instructions?

21 PROSPECTIVE JUROR: I could follow the  
22 Judge's instructions. I don't know that I can fairly  
23 evaluate the evidence.

24 MR. LEMKE: Got a little bit more because of  
25 friends, police officers? I don't remember why. Seems

1 to me you'd be perfect. That's why I'm asking.

2 PROSPECTIVE JUROR: Don't think I could go  
3 through all of the aspects of the case and still be  
4 fair.

5 MR. LEMKE: Mr. Wersan?

6 PROSPECTIVE JUROR: Yes.

7 MR. LEMKE: Mr. Porcelli?

8 PROSPECTIVE JUROR: Yes.

9 MR. LEMKE: Ms. Monetti?

10 PROSPECTIVE JUROR: I think so, yeah.

11 MR. LEMKE: Ms. VanHouten, I think you  
12 indicated -- don't think I asked you many questions.

13 What about yourself?

14 PROSPECTIVE JUROR: I would hope I can be  
15 fair. I mean I would do my best. I would want, if I  
16 was in his seat --

17 MR. LEMKE: Want somebody like yourself?

18 PROSPECTIVE JUROR: I know my son says I'm an  
19 emotional person, but goes with anything whether it's  
20 stub my toe to something extreme. I mean --

21 MR. LEMKE: Fine. Nothing wrong with that.

22 PROSPECTIVE JUROR: That I was who I am.

23 MR. LEMKE: That's fine. Nothing wrong.

24 Ms. Rodrigue?

25 PROSPECTIVE JUROR: Yes.



1 MR. LEMKE: Mr. Slawski?

2 PROSPECTIVE JUROR: Yes.

3 MR. LEMKE: Ms. Aubin?

4 PROSPECTIVE JUROR: Yes.

5 MR. LEMKE: Great. Thank you.

6 THE COURT: Prospective members, you've been  
7 sitting for a while. Attorneys are going to make their  
8 selections. Don't want you to disappear for lunch,  
9 just in a few minutes, you'll know who's been selected,  
10 who's been excused. What I will do for the people that  
11 are out in the audience, at this point obviously we've  
12 begun jury selection. It's like a guarantee. When you  
13 come back this afternoon, all of you, I think about  
14 fourteen of you left in the box, are going to be asked  
15 to sit in here, so there's no reason for those of you  
16 sitting out in the audience to stick around. Going to  
17 ask you please report back. James, my sergeant, will  
18 tell you where to go. Be back here 2 o'clock for the  
19 continuation of our jury selection. If you could step  
20 out at this point, be back 2 o'clock.

21 (Whereupon, the jury panel left the  
22 courtroom.)

23 (Whereupon, the following took place in  
24 chambers:)

25 THE COURT: Back to the entire board since we

1 don't have anybody at this point.

2 People challenges cause entire board?

3 MS. SINGAS: Number three, Mr. Zisman.

4 MR. LEMKE: Consent.

5 MS. SINGAS: Number 5, Ms. Flynn.

6 MR. LEMKE: Consent.

7 THE COURT: Yes.

8 MS. SINGAS: I think that's it for cause.

9 THE COURT: That's it cause, People?

10 MS. SINGAS: Yes.

11 MR. LEMKE: Mr. Talbot, did he say something  
12 I missed?

13 THE COURT: He didn't. I just think as he  
14 sat there, had obviously a change of heart about  
15 sitting as a juror in this case.

16 MR. LEMKE: Usually I get a little more  
17 specific. He made it clear no, so I make sure I  
18 rehabilitate, but I'm going to move for cause for  
19 Talbot because at this point he said --

20 MS. SINGAS: Judge, again, now what I mean,  
21 we can't operate in a vacuum. All his other answers  
22 seemed okay, said he could follow your instructions,  
23 but that's a tricky question, so --

24 THE COURT: He did say he could follow my  
25 instructions, but then when I think Mr. Lemke asked him

1 why he couldn't sit as a juror in this case, said kind  
2 of like a general answer about other things, about this  
3 case. Look, I don't want to take a chance. To me, I  
4 think he's, you know, said enough to excuse him for  
5 cause; may not have been exactly explicit.

6 Anything else cause?

7 MR. LEMKE: No.

8 THE COURT: People peremptory, entire board?

9 MS. SINGAS: Entire board?

10 THE COURT: Yes, each of you used three so  
11 far.

12 MS. SINGAS: We're doing all fourteen?

13 MR. LEMKE: Two knocked out for cause.  
14 There's twelve left.

15 MS. SINGAS: All right.

16 THE COURT: Whatever you got left.

17 MS. SINGAS: Number 2, Ms. Rappa, number 8,  
18 Ms. Aubin, number 10, Ms. Rodriguez, and number 11,  
19 Ms. VanHouten. That's it.

20 THE COURT: Four by the People. Now you've  
21 used seven.

22 Defendant peremptory?

23 MR. LEMKE: Number 4, Ms. Temple, number 12,  
24 Ms. Monetti, number 13, Mr. Porcelli.

25 THE COURT: Defendant you used three. You

1 used a total of six. People used four, total seven.  
2 That leaves us with Janita Williams will be our  
3 foreperson, Mr. Blankman will be juror number 2,  
4 Mr. Slawski will be juror number 3, Mr. Wersan will be  
5 juror number 4.

6 When do we want to tell -- when do I want to  
7 tell these people to come back? Let me ask you this.  
8 Are we going to sit tomorrow in the morning? I mean,  
9 if everyone has plans with their kids, I'll, you  
10 know --

11 MS. SINGAS: Rather not, Judge. Don't want  
12 to hold us up, but just as soon work on Monday with  
13 whoever we have left.

14 THE COURT: You got plans?

15 MR. LEMKE: That's fine, yes.

16 THE COURT: Tell them Wednesday morning 10  
17 o'clock or you want me to say --

18 MS. SINGAS: I don't mind them sitting in for  
19 some more jury selection. I don't know how you got it.  
20 It would have to be Wednesday then for openings.

21 THE COURT: Unless we can do openings Monday  
22 and tell them to come back Monday at 2.

23 MS. SINGAS: I can open, but won't have any  
24 witnesses.

25 THE COURT: That means we're going to sit for

1 the rest of the day. Might as well tell them  
2 Wednesday, 10 o'clock.

3 MR. LEMKE: That's fine.

4 THE COURT: Be prepared to put a full day in.  
5 Tell them actually be here 9:30. James, we're going to  
6 tell them Wednesday at 9:30, the ones that have been  
7 sitting; okay?

8 Both sides agree to letting the sworn ones  
9 go?

10 MS. SINGAS: Yes.

11 MR. LEMKE: Yes.

12 (Whereupon, the following took place in open  
13 court:)

14 THE COURT: All right. Please listen to my  
15 clerk as he lists the names of those who have been  
16 selected.

17 THE CLERK: Following jurors names I call  
18 have been selected to be on this jury.

19 Juror number 1, Janita Williams, juror number  
20 2, Matthew Blankman, juror number 3, Robert Slawski,  
21 juror number 4, Gary Wersan. If your name has been  
22 called, please remain in your seat, name not been  
23 called, you're excused from this case. You must report  
24 back to central jury.

25 THE COURT: Those of you who have been

1       excused, again, my thanks on behalf of the entire  
2       Nassau County Court System for participating in jury  
3       selection. Please be careful as you step passed your  
4       fellow prospective jurors. Watch your step as you step  
5       out and my officers will tell you where to go. Those  
6       of you who have been selected, sit tight. Don't go  
7       anywhere.

8               (Whereupon, the excused jurors left the  
9       courtroom.)

10              THE CLERK: Remaining jurors satisfactory to  
11       the People?

12              MS. SINGAS: They are.

13              THE CLERK: To the defense?

14              MR. LEMKE: Yes, your Honor.

15              (Whereupon, four jurors were duly sworn by  
16       the Court Clerk.)

17              THE COURT: Again, thank you. You're our  
18       first selected jurors. Ms. Williams, you will be our  
19       foreperson in this case since you were the first juror  
20       selected. What I'm going to do, obviously you're going  
21       to be excused for the balance of the day. Obviously,  
22       we have a number of jurors still to pick. Do not  
23       anticipate sitting tomorrow. Depending how many jurors  
24       we get, more than likely going to be doing this on  
25       Monday, so with both partys' consent, what I'm going to

1 do, we don't sit Tuesday 'cause it's Election Day, so  
2 with everybody's consent, what I'm going to do is ask  
3 you to report back to the courthouse Wednesday, 9:30 in  
4 the morning. That's when I anticipate giving my  
5 preliminary instructions to the jury. We'll have  
6 opening statements and we'll begin the case at that  
7 point, so don't want to take a chance having you come  
8 here Monday in the afternoon, still picking a jury.  
9 Rather than having you spinning your wheels sitting  
10 around wasting your time, I feel fairly confident we'll  
11 be ready to go first thing Wednesday morning. James,  
12 my sergeant, will give you some instructions as you  
13 step out with respect to parking, where to report.

14 Have a good weekend. See you back here  
15 Wednesday. That's the 5th, Wednesday the 5th, 9:30.

16 Please step out. The officers will speak to  
17 you outside.

18 L U N C H E O N R E C E S S .

19 A F T E R N O O N S E S S I O N .

20 (Whereupon, jury panel one entered the  
21 courtroom.)

22 THE COURT: Welcome back. At this point,  
23 we're going to fill our jury box, so please listen to  
24 your name and follow my officers and please watch your  
25 step as you step in the jury box.

1 THE CLERK: Seat number 1, Bernard Nichols,  
2 N-I-C-H-O-L-S;

3 Seat number 2, Patricia Lewis, L-E-W-I-S;

4 Seat number 3, Arthur Gold, G-O-L-D;

5 Seat number 4, Alicia Jewell, J-E-W-E-L-L;

6 Seat number 5, Thomas Gorman, G-O-R-M-A-N;

7 Seat number 6, Ann Bonet, B-O-N-E-T;

8 PROSPECTIVE JUROR: May I ask a question  
9 before I sit about my availability?

10 THE COURT: Just have a seat. I'll get to  
11 you first thing.

12 PROSPECTIVE JUROR: Okay.

13 THE CLERK: Seat number 7, Richard Russo,  
14 R-U-S-S-O;

15 Seat number 8, Adam Cirker, C-I-R-K-E-R;

16 Seat number 9, Karen Armstrong,

17 A-R-M-S-T-R-O-N-G;

18 Seat number 10, Jack Binder, B-I-N-D-E-R;

19 Seat number 11, Ellen Gulli, G-U-L-L-I;

20 Seat number 12, Abul Hossain, H-O-S-S-A-I-N;

21 Seat number 13, Annette Catania,

22 C-A-T-A-N-I-A;

23 Seat number 14, Diane Pugent -- no response.

24 Mary Siring -- no response.

25 THE COURT: All right. We're just obviously



1 checking on the last two names. All right. While  
2 we're waiting to see if the other person is here --  
3 please join us, Ms. Nugent.

4 PROSPECTIVE JUROR: I went to the restroom.  
5 I'm sorry.

6 THE COURT: Relax have a seat. All right.  
7 Ms. Bonet, you said something about your  
8 availability?

9 PROSPECTIVE JUROR: I'm sorry. I didn't  
10 mention it yesterday. It slipped my mind. I have a  
11 pre-scheduled dental surgery on November 10th and I  
12 know the trial may last a couple weeks.

13 THE COURT: I'm sorry. Didn't hear..

14 PROSPECTIVE JUROR: You said the trial would  
15 last?

16 THE COURT: I have every expectation of  
17 sitting Monday the 10th. That's already scheduled.

18 PROSPECTIVE JUROR: It is?

19 THE COURT: Any objection to excusing  
20 Ms. Bonet?

21 MS. SINGAS: No.

22 MR. LEMKE: No.

23 THE COURT: Ms. Bonet, I have to send you  
24 back to central jury.

25 Mr. Russo?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Beg pardon. Mr. Cirker?

3 PROSPECTIVE JUROR: Yeah, I should have  
4 mentioned something. Didn't know if it was time to  
5 mention it, but I have a medical issue that may affect  
6 me sitting on this jury.

7 THE COURT: Something you want to discuss  
8 privately?

9 PROSPECTIVE JUROR: If you want.

10 THE COURT: All right. Come up.

11 (Whereupon, a discussion was held off the  
12 record, at the bench, among the Court, defense counsel  
13 and the assistant district attorney.)

14 THE COURT: Any objection?

15 MS. SINGAS: No.

16 MR. LEMKE: No.

17 THE COURT: Excused. Return to central jury.

18 Okay. To the twelve of you that are  
19 remaining, welcome again. Good afternoon. Thank you  
20 for being here. You've now sat through two rounds.  
21 You've heard me with both jurors go over certain legal  
22 principles. You've heard the attorneys ask certain  
23 questions.

24 First and foremost, does anybody recognize  
25 any of the names that I listed yesterday? I know it

1 was yesterday. If you wanted me to repeat them, I  
2 certainly would. Okay. I'm sorry. You had your hand  
3 raised, Ms. Armstrong?

4 PROSPECTIVE JUROR: I do work with a Morales,  
5 don't remember the name you said, but do work with a  
6 teacher, Morales. Her daughter's a cop.

7 THE COURT: Delmy Morales? I'm sorry, you  
8 said --

9 PROSPECTIVE JUROR: Co-worker. The mother is  
10 a co-worker, not of this person, but I'm saying I do  
11 work with a Morales.

12 THE COURT: Okay. All right. What kind of  
13 work do you do?

14 PROSPECTIVE JUROR: Parent coordinator and  
15 that person is a teacher.

16 THE COURT: Can you give us the location or  
17 the area where you work?

18 PROSPECTIVE JUROR: Queens.

19 THE COURT: In Queens?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: It doesn't appear that that would  
22 be the same Morales. All right. Anybody else as far  
23 as names are concerned? Anybody who's heard, read  
24 anything about this case in the past either through the  
25 Internet, TV?

1 Mr. Nichols?

2 PROSPECTIVE JUROR: Yes, I live in Hempstead.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: I read it in the paper.

5 THE COURT: All right. You read it in the  
6 newspaper. Okay. Do you remember anything specific  
7 about what you read?

8 PROSPECTIVE JUROR: Just the basic actions  
9 that day claiming what he did.

10 THE COURT: Is there anything about the  
11 information that you read or anything that you've  
12 learned about the case that you feel as you sit here  
13 now would make you less than fair and impartial, favor  
14 one side over the other without hearing any evidence at  
15 this point?

16 PROSPECTIVE JUROR: No, just I live in  
17 Hempstead, you know. Everybody talk in Hempstead. You  
18 know what mean?

19 THE COURT: I understand, I understand. Do  
20 you have any familiarity at all with the defendant or  
21 his family?

22 PROSPECTIVE JUROR: I have seen him before.

23 THE COURT: Okay. Any encounters with him at  
24 all?

25 PROSPECTIVE JUROR: No. I worked for the

1 school system, so I take care of nine schools, so, you  
2 know, I'm always around Hempstead.

3 THE COURT: Okay, and you see a lot of faces.  
4 All right. Do you feel that you could serve as a juror  
5 in this case?

6 PROSPECTIVE JUROR: No, I don't.

7 THE COURT: Because of the fact of where you  
8 live and the nature of the allegations?

9 PROSPECTIVE JUROR: Yeah, where it happened  
10 at. It's around my neighborhood.

11 THE COURT: Okay. All right. Anybody else  
12 read or heard anything in the newspaper at all? Bear  
13 with me. Mr. Binder?

14 PROSPECTIVE JUROR: I just a while ago saw  
15 the headline and the basic facts of the case, but  
16 nothing else about it.

17 THE COURT: You haven't formed any opinion  
18 one way or another at this point. Okay.

19 Ms. Gulli?

20 PROSPECTIVE JUROR: The same thing. I just  
21 remember reading it in the paper, but no facts.

22 THE COURT: All right. Nothing that sticks  
23 with you, nothing at this point that would color your  
24 opinion about the case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Anybody else. All right. You  
2 also heard me go over the basic principles of law that  
3 apply in every criminal case, the presumption of  
4 innocence; that the defendant is presumed innocent  
5 unless and until a jury unanimously finds that the  
6 defendant's guilt has been proven beyond a reasonable  
7 doubt; that the People have the burden of proof  
8 throughout the course of the trial, the burden of  
9 proving each and every element of the crimes as I  
10 define them to you at the end of the case, and the  
11 defendant's identity as the person who committed those  
12 crimes. Also, that if the defendant chooses not to  
13 testify, that is a right that he is accorded, and that  
14 is not a factor from which you should draw any type of  
15 adverse inference.

16 Does anybody here feel that they could not  
17 follow those instructions?

18 PROSPECTIVE JUROR: Gorman. Yeah, I have  
19 five daughters; don't think I could sit through that  
20 and listen to that and be objective.

21 THE COURT: All right. Were any members of  
22 your family a crime victim or --

23 PROSPECTIVE JUROR: One daughter was in an  
24 abusive relationship and just found out about it  
25 recently.

1 THE COURT: And you feel that would affect  
2 you as a juror in this case?

3 PROSPECTIVE JUROR: Definitely.

4 THE COURT: All right. Somebody else had  
5 their hand up. Mr. Binder?

6 PROSPECTIVE JUROR: Yeah, the defendant  
7 didn't testify in his own defense, I couldn't help but  
8 think that as a negative as evidence.

9 THE COURT: All right. Well, it's a normal  
10 human reaction, expectation that when somebody makes an  
11 accusation, you expect someone to respond to the  
12 accusation.

13 Under our system of justice and this kind of  
14 ties into the burden of proof, the burden of proof is  
15 upon the People. Defendant doesn't have to prove his  
16 or her innocence. The People have to prove to your  
17 satisfaction his or her guilt beyond a reasonable  
18 doubt, and, therefore, that's why a defendant is not  
19 obligated to testify. If the the defense decides that  
20 the People have not met their burden, they could not  
21 put on any witnesses, doesn't have to testify in his  
22 defense and you're going to be asked to make a  
23 determination as you find the facts to be and the law  
24 as I give it to you as to whether or not the People  
25 have satisfied that burden.

1 Do you think you could do that?

2 PROSPECTIVE JUROR: I think I can.

3 THE COURT: Okay. I mean what we may expect  
4 in perhaps our normal day-to-day human affairs is one  
5 thing, but in a courtroom, in a court of law, our  
6 system is such that the burden of proof is always in  
7 any criminal case, you know, not just this case, upon  
8 the prosecution.

9 You understand that?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Anybody else have any  
12 difficulties following my instructions with regard to  
13 the basic principles I discussed with you? Anybody?

14 PROSPECTIVE JUROR: You know what, your  
15 Honor?

16 THE COURT: Yes, Ms. Nugent?

17 PROSPECTIVE JUROR: I'm sorry, but I have to  
18 say I was engaged to a homicide detective and I'm on  
19 both sides of the fence because here it is I'm still  
20 disgruntled a little bit. I must say I love our police  
21 officers and stuff, but after what happened to me about  
22 two months ago in Freeport, I live in Freeport, I'm  
23 still a little disgruntled because I was pulled over by  
24 a cop stating that I ran a stop sign. I know blatantly  
25 it was a lie because I stopped there and the other



1 person directed me to go. Upon that happening, a block  
2 and a-half later, this cop pulls me over and I ask her  
3 what for and she was telling me, oh, you ran the stop  
4 sign. I had to pay 100 -- was it 125 plus surcharge,  
5 whatnot for that fine that I think was so wrong and  
6 didn't commit that crime.

7 THE COURT: This was the Village of Freeport  
8 police officer.

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: I don't think anybody from the  
11 Village of Freeport is going to be testifying in this  
12 case in terms of police. Having said that, there  
13 obviously is going to be testimony from police  
14 officers, detectives in this particular case. You  
15 heard me with both panels previous to yours say that  
16 you've got to treat a police officer like you would  
17 anybody else. They're human. They're subject to the  
18 same human frailties that we all are. They can tell  
19 the truth, they could be mistaken, honestly, so -- or  
20 they can lie. If you're telling me that if a police  
21 officer testifies and I'm not going to believe a word  
22 they say or I'm not going to give them the same full  
23 level playing field that I would somebody else either  
24 because your personal relationship in the past or  
25 because of this experience with the Freeport police

1 officer who gave you the ticket, now is the time to  
2 tell us. If you feel that you could put that aside and  
3 judge these police officers and these detectives based  
4 upon what you hear here in this case, we'd be glad to  
5 have you.

6 PROSPECTIVE JUROR: Well, your Honor, I've  
7 had another incident with a cop as well. I was abused  
8 when I was in my twenties quite a few years ago, and I  
9 went to the police in Harlem, and honestly, they were  
10 trying to have me lie on this guy to give me makeup put  
11 on my face, all that, so after I had that done with me,  
12 I'm kind of --

13 THE COURT: You got advice from police  
14 officers?

15 PROSPECTIVE JUROR: From the police officer.

16 THE COURT: Good enough. Anybody else? And  
17 I indicated this to you yesterday and you just heard me  
18 say this again to Ms. Nugent, anybody here have any  
19 problem in evaluating a police officer, detective, law  
20 enforcement person? Anybody else? Ms. Lewis?

21 PROSPECTIVE JUROR: Well, my father was a  
22 Nassau County detective for 28 years. My brother's a  
23 New York City cop, two cousins that are transit cops.  
24 My brother-in-law's a sheriff who works here in the  
25 jail and, you know, I have a lot -- I have a hard time

1 believing that a cop could lie. I don't know why but,  
2 I just grew up around that, so --

3 THE COURT: And you feel that you feel that  
4 you would give them a certain leg up?

5 PROSPECTIVE JUROR: I don't want to, but I  
6 think I would.

7 THE COURT: Ms. Armstrong?

8 PROSPECTIVE JUROR: A brother CO and an uncle  
9 just retired also CO.

10 THE COURT: I'm sorry?

11 PROSPECTIVE JUROR: A brother correction  
12 officer.

13 THE COURT: You have a brother correction  
14 officer?

15 PROSPECTIVE JUROR: Yes, currently.

16 THE COURT: Where?

17 PROSPECTIVE JUROR: In Riker's, Riker's  
18 Island.

19 THE COURT: And, I'm sorry, the other person?

20 PROSPECTIVE JUROR: Uncle, uncle.

21 THE COURT: Also in Riker's?

22 PROSPECTIVE JUROR: No, retired.

23 THE COURT: Okay. You've heard that the  
24 defendant in this case, Mr. Walters, works for the New  
25 York City Department of Corrections. Knowing that,

1 would you be able to sit as a juror in this case?

2 PROSPECTIVE JUROR: Probably not, probably  
3 not.

4 THE COURT: You think -- I'm sorry. You said  
5 it's your brother?

6 PROSPECTIVE JUROR: Right, it's a brother.

7 THE COURT: You think you'd have difficulty  
8 perhaps giving the People a fair trial in light of your  
9 brother's work?

10 PROSPECTIVE JUROR: It's possible. It's  
11 possible, not saying yes.

12 THE COURT: All right. At this point, I'm  
13 going to go through certain questions of you as I  
14 indicated earlier about where you live, whether or not  
15 you're in a committed relationship, what type of work  
16 did you do and that your children may do.

17 I want to see the attorneys though before I  
18 begin.

19 (Whereupon, a discussion was held off the  
20 record, at the bench, among the Court, defense counsel  
21 and the assistant district attorney.)

22 THE COURT: Mr. Nichols, Mr. Gorman,  
23 Ms. Armstrong, Ms. Pugent all being excused for cause.

24 MR. LEMKE: On consent.

25 MS. TEBBETT: On consent of the People.

1 (Whereupon, the following took place in open  
2 court:)

3 THE COURT: What I'm going to do at this  
4 point, if you hear your name called, please take your  
5 belongings and report back to central jury at this  
6 particular point. Can I just see one more time the  
7 attorneys?

8 (Whereupon, a discussion was held off the  
9 record, at the bench, among the Court, defense counsel  
10 and the assistant district attorney.)

11 THE COURT: Ms. Lewis is being excused for  
12 cause.

13 MR. LEMKE: On consent.

14 MS. TEBBETT: On consent.

15 THE COURT: If you hear your name called,  
16 you're excused with my thanks. We'd ask you to take  
17 your cards back, go back to central jury, Mr. Nichols,  
18 Ms. Lewis, Mr. Gorman, Ms. Armstrong, and Ms. Nugent.

19 (Whereupon, the excused jurors left the  
20 courtroom.)

21 THE COURT: Okay. Down to a precious few.  
22 Mr. Gold, I'll start with you since you're our closest  
23 in order in terms of called jurors.

24 Could you tell us the neighborhood, sir,  
25 which you live?

1 PROSPECTIVE JUROR: Oceanside.

2 THE COURT: Married or committed  
3 relationship?

4 PROSPECTIVE JUROR: Married, two children,  
5 one's almost 14, other one's 16.

6 THE COURT: Type of work, if any, that you  
7 do?

8 PROSPECTIVE JUROR: Me, I'm a retired teacher  
9 and I work part-time as a tutor.

10 THE COURT: Okay. Thank you. Ms. Jewell?

11 PROSPECTIVE JUROR: I live in Rockville  
12 Centre. I'm in a committed relationship. I have a  
13 four-year-old son and I'm a photographer.

14 THE COURT: You're a photographer? Okay.  
15 Very good.

16 Mr. Russo, sir?

17 PROSPECTIVE JUROR: I'm married, live in Port  
18 Washington, have three kids, son 26, son 25, my  
19 daughter is 23.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: My oldest son is an  
22 aspiring actor which means he's a waiter, another son  
23 is at Adelphi and my daughter is in advertising.

24 THE COURT: Great. Mr. Binder, sir,  
25 neighborhood which you live?

1 PROSPECTIVE JUROR: Great Neck, married, two  
2 children, 40 and 39. I'm a retired dentist and I work  
3 part-time now at the Town of North Hempstead.

4 THE COURT: What capacity?

5 PROSPECTIVE JUROR: I'm the arborist there.

6 THE COURT: Oh, very interesting. The  
7 occupations of your children?

8 PROSPECTIVE JUROR: One is an accountant,  
9 other one takes care of two little children.

10 THE COURT: Ms. Gulli, town which you live?

11 PROSPECTIVE JUROR: In Bethpage.

12 THE COURT: Married or committed?

13 PROSPECTIVE JUROR: Married, and I have three  
14 daughters, 27, 25 and going to be 21. Both two are  
15 teachers, younger one goes to college and works in  
16 retail. I work for Geico. I have a son-in-law who's a  
17 correction officer in Riker's.

18 THE COURT: Son-in-law?

19 PROSPECTIVE JUROR: In-law:

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: That I'm fine with.

22 THE COURT: That doesn't pose a problem to  
23 you?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. And, I'm sorry, you

1 said you work for Geico?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: What capacity?

4 PROSPECTIVE JUROR: A trainer in the medical  
5 area.

6 THE COURT: All right. And Mr. Hossain, town  
7 which you live?

8 PROSPECTIVE JUROR: I live in Hicksville.

9 THE COURT: Married, committed relationship?

10 PROSPECTIVE JUROR: I'm married.

11 THE COURT: Children?

12 PROSPECTIVE JUROR: I have two children; one  
13 daughter and a son. The daughter's a student and the  
14 25, 29 both of them are doctors and I'm an engineer. I  
15 work for the New York City Department of Transportation  
16 and I'm the director. I take care of the bridges, New  
17 York City bridges.

18 THE COURT: And finally Ms. Catania, town  
19 which you live?

20 PROSPECTIVE JUROR: I live in Seaford. I'm  
21 married. I have three children. My oldest is 29, 27  
22 and youngest is 23. Oldest daughter works for Quest  
23 Diagnostic in Human Resources, middle one works in  
24 Virginia. She's a special ed teacher and son's  
25 learning to be a plumber.



1 THE COURT: So he's an apprentice?

2 PROSPECTIVE JUROR: Yes, an assistant right  
3 now.

4 THE COURT: All right. I didn't ask this  
5 before, though I did ask the other panel. Is there any  
6 of the -- God bless -- seven of you seated here that  
7 have, for religious or personal reasons, could not not  
8 serve as a juror on this case given the type of case it  
9 is? Anybody? All right.

10 I'm going to again go by row, if you will,  
11 although there's only three of you in the first row.  
12 Any of the three seated in front of me here served on a  
13 jury before? State, federal, criminal, grand jury?  
14 Mr. Gold?

15 PROSPECTIVE JUROR: Yes, I served on a  
16 criminal case in Bronx County.

17 THE COURT: Okay. How many years ago?

18 PROSPECTIVE JUROR: Quite some time, probably  
19 about -- about twenty years ago or more.

20 THE COURT: Do you remember the nature of the  
21 case?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Would you tell tell us, I assume  
24 you went to a verdict?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Without telling us what the  
2 verdict is, could you just tell us what the nature of  
3 the charges are, if you remember them?

4 PROSPECTIVE JUROR: It was robbery and  
5 murder.

6 THE COURT: Okay. Anything about that  
7 experience as a juror in that case that you feel you  
8 couldn't serve as a juror in this case?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Okay. Anybody else in the first  
11 row prior jury, civil, criminal, federal, grand jury?  
12 About second row? Anybody? All right.

13 Law enforcement question. You or close  
14 friend or family member either been or worked for at  
15 one point the police, corrections department, the DA's  
16 office or the court system? First row anybody?

17 Mr. Russo?

18 PROSPECTIVE JUROR: Yeah, probably about 80  
19 percent of my closest friends have 30 years in law  
20 enforcement; three in Westbury, one in Nassau, some in  
21 the City. Godson's an officer in Montclair, New  
22 Jersey.

23 THE COURT: Obviously, you know, there's  
24 going to be a number of police officers and detectives  
25 that are going to testify. Would those associations of

1       yours and relationships in any way affect your ability  
2       to evaluate evidence here objectively and make a  
3       determination about the defendant's guilt or non-guilt  
4       based upon the evidence as you sit here in this  
5       courtroom?

6               PROSPECTIVE JUROR: I don't think it would  
7       affect me evaluating the evidence. You know,  
8       generally, I mean I believe anybody can do anything.  
9       There are rogue police and there are rogue in whatever.  
10      I've met great ones. All these people I surround  
11      myself with do a good case work and are -- which can,  
12      at times --

13             THE COURT: I understand.

14             PROSPECTIVE JUROR: I hope and I would think  
15      that I just evaluate things honestly.

16             THE COURT: That's what we're looking for.  
17      Anything in the second row law enforcement?  
18      Ms. Catania?

19             PROSPECTIVE JUROR: My son-in-law. He was a  
20      New York City police officer and he's moved down to  
21      Virginia. He's a police officer there and my nephew  
22      just graduated in July for New York City Police.

23             THE COURT: Okay. All right. Again, same  
24      question I had with Mr. Lewis. No problems?

25             PROSPECTIVE JUROR: No, I don't believe so.

1 THE COURT: Anybody else second row? Ms.  
2 Gulli?

3 PROSPECTIVE JUROR: I have the correction  
4 officer son-in-law, my brother-in-laws retired Nassau  
5 County Marine Bureau, and --

6 THE COURT: What would his name be?

7 PROSPECTIVE JUROR: Matt Eowi (phonetic).  
8 You know him?

9 THE COURT: The name sounds familiar.

10 PROSPECTIVE JUROR: From Port Washington.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: Good guy.

13 THE COURT: Anything about those  
14 relationships? I know you indicated the corrections  
15 officer, son-in-law. Doesn't pose a problem?

16 PROSPECTIVE JUROR: No, none at all. Now,  
17 also, I don't know if it matters. I have a friend  
18 that's a retired judge, Judge McCaffrey.

19 THE COURT: Thank you. All right.  
20 Mr. Binder, no associations with any law enforcement?  
21 Okay.

22 Crime victims? Anybody here, themselves,  
23 close family members, first row? Mr. Gold, looks like  
24 your hand's about to go up.

25 PROSPECTIVE JUROR: Long time ago my

1 apartment was robbed, car was attempted to be stolen,  
2 no success, and my mother was mugged. Those are all  
3 three separate incidents.

4 THE COURT: All right. Most recent of which  
5 would be how long?

6 PROSPECTIVE JUROR: Probably about twenty  
7 years ago.

8 THE COURT: Anything about those incidents?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Anything from Ms. Jewell,  
11 Mr. Russo, crime victims? How about the second row?  
12 Anybody there, Mr. Hossain?

13 PROSPECTIVE JUROR: Yeah, my son was the  
14 victim of some kind of violence some years back, but he  
15 was young. He was mugged on a Queens platform and he  
16 was given an punch, got a black eye when he was  
17 walking. The other time he was mugged downtown  
18 Manhattan, and another time, my daughter was also the  
19 subject of some kind of crime, so her bag was snatched  
20 off, and that's about it, and it was reported, but it  
21 wasn't, so --

22 THE COURT: Okay. Would that -- would any of  
23 those experiences affect you as a juror in this case if  
24 you were selected?

25 PROSPECTIVE JUROR: I don't think so.

1 THE COURT: Okay. Anybody else in that  
2 second row a victim? Ms. Catania?

3 PROSPECTIVE JUROR: I was molested when I was  
4 about 16 years old, a senior in high school.

5 THE COURT: Okay. There was no case. I mean  
6 there were other young girls that were affected by it  
7 as well, but he ended up committing himself into a  
8 mental hospital, so, you know, nothing ever went to  
9 court. Other than that --

10 THE COURT: Okay. Obviously, there's  
11 allegations of a sexual nature in this particular case,  
12 more than one. Could you give me your assurance that  
13 if you're selected as a juror in this case, that you  
14 could put aside your own experience and decide this  
15 case based upon the evidence you hear or see.

16 PROSPECTIVE JUROR: I thought about that a  
17 little last night, and I think it's just too emotional  
18 for me to make any kind of commitment or judgment of --  
19 what's the word?

20 THE COURT: Judgment is the right word.

21 PROSPECTIVE JUROR: I really don't think I  
22 could be fair, in my judgment.

23 THE COURT: Right. You think you wouldn't be  
24 able to put that aside?

25 PROSPECTIVE JUROR: No.

1 THE COURT: All right. Fair enough.  
2 Finally, anybody who's been, family members or  
3 themselves, again, something you want to approach  
4 about, don't be shy about asking either been accused or  
5 convicted of a crime.

6 First row anybody? How about the second row?  
7 Mr. Binder?

8 PROSPECTIVE JUROR: Do you consider  
9 malpractice?

10 THE COURT: No, that's not for this question.

11 PROSPECTIVE JUROR: Okay, then no.

12 THE COURT: Okay. All right. We'll turn it  
13 over at this point to Ms. Tebbett, I believe.

14 MS. TEBBETT: Yes. Thank you, Judge.

15 Good afternoon, everyone, the last few. I  
16 know it's late in the afternoon. I'm just going to  
17 follow up again on some of the questions that the Judge  
18 was just asking you, and then just some other questions  
19 about some of the topics and the issues that we've  
20 covered with the other groups that were sitting in the  
21 chairs that you're sitting in, so forgive me that we're  
22 repeating a little bit. Hopefully, you were paying  
23 attention a little bit, but I'll just start with  
24 following up on some of those very general questions.

25 I didn't catch what you did.

1 PROSPECTIVE JUROR: Creative director at an  
2 ad agency.

3 MS. TEBBETT: A lot of friends in law  
4 enforcement, you mentioned?

5 PROSPECTIVE JUROR: Yeah, that's how we all  
6 kind of grew up.

7 MS. TEBBETT: Okay. And Ms. Jewell, you said  
8 you were a photographer, and you have a four year old?

9 PROSPECTIVE JUROR: Yeah.

10 MS. TEBBETT: I have two four-year-olds,  
11 actually, at home. Any issue that would cause you a  
12 problem sitting, any issue with child care, anything  
13 like that?

14 PROSPECTIVE JUROR: Nope they're taken care  
15 of five days a week.

16 MS. TEBBETT: Mr. Gold, you mentioned you had  
17 been the victim of crimes in the past?

18 PROSPECTIVE JUROR: Yes.

19 MS. TEBBETT: Nothing about that that  
20 troubles you here with some of the allegations that  
21 you've heard here?

22 PROSPECTIVE JUROR: No.

23 MS. TEBBETT: Charges of robbery, rape,  
24 sexual assault, nothing that was too similar to what  
25 you had experienced.



1 PROSPECTIVE JUROR: Everything is different.  
2 I mean, you know, the charges might be similar, but if  
3 you're asking me if I could be fair, yes.

4 MS. TEBBETT: Okay. That's exactly my  
5 question, so good. Thank you for that. Okay.

6 Now, Ms. Gulli, you mentioned you have  
7 several members of your family also in law enforcement  
8 and you mentioned you have a son-in-law that works at  
9 Riker's?

10 PROSPECTIVE JUROR: Yes.

11 MS. TEBBETT: I'm sure you've heard it's been  
12 mentioned several times already in this courtroom that  
13 the defendant was a correction officer at Riker's  
14 Island.

15 PROSPECTIVE JUROR: Yes.

16 MS. TEBBETT: You don't have any reason to  
17 believe that your son-in-law knows him; right?

18 PROSPECTIVE JUROR: No.

19 MS. TEBBETT: Have you heard anything about  
20 this from your son-in-law?

21 PROSPECTIVE JUROR: No.

22 MS. TEBBETT: Didn't mention to you that he  
23 heard of a correction officer who was arrested or  
24 accused of any of these crimes?

25 PROSPECTIVE JUROR: No.

1 MS. TEBBETT: Fact you have a son-in-law who  
2 works in Riker's island, does that give the defendant  
3 any extra credit?

4 PROSPECTIVE JUROR: No. I don't even  
5 think-- it's just his job and that's what he does and  
6 I really don't think too much about it.

7 MS. TEBBETT: You wouldn't sit as you're  
8 hearing evidence in this trial and like we've  
9 mentioned, heard the nature of allegations, certainly  
10 serious charges, sensitive charges, emotional charges.  
11 That's what you're going to be hearing about. You  
12 know, think of this question as you're listening to all  
13 of that. Anywhere in the back of your mind, would you  
14 be thinking, you know what? My son-in-law's a  
15 correction officer and I'm sure he's a good correction  
16 officer. I just can't believe a correction officer  
17 would commit those type of crimes?

18 PROSPECTIVE JUROR: Definitely not.

19 MS. TEBBETT: Allegations I'm hearing about?

20 PROSPECTIVE JUROR: Definitely not.

21 MS. TEBBETT: You would he agree with me  
22 there are good officers and not good officers?

23 PROSPECTIVE JUROR: Everybody.

24 MS. TEBBETT: And I'm sure that's true in  
25 every profession. Everybody has experienced that in

1           their line of work. So then can you promise me that  
2           you would not have that thought in the back of your  
3           mind; that just the fact you would learn defendant was  
4           a correction officer would automatically make you think  
5           he could never do the things they are saying he did?

6                   PROSPECTIVE JUROR: No, I wouldn't think  
7           about that.

8                   MS. TEBBETT: Okay. Okay. Now, again police  
9           officers are going to come in and testify and you  
10          mentioned your brother-in-law had been a police  
11          officer?

12                   PROSPECTIVE JUROR: Uh-hum.

13                   MS. TEBBETT: You're not going to just take  
14          what the police officer who testify in this trial say,  
15          you know, any of the testimony that they give and  
16          automatically believe it just because they're police  
17          officers?

18                   PROSPECTIVE JUROR: No.

19                   MS. TEBBETT: If they're telling you  
20          something that to you doesn't make any sense, you  
21          wouldn't just give them more credit because they're  
22          wearing a uniform?

23                   PROSPECTIVE JUROR: Only my brother-in-law  
24          would I believe.

25                   MS. TEBBETT: You didn't hear his name on the

1 witness list; right? We're not calling him.

2 Now, Ms. Catania, would you agree with that?

3 PROSPECTIVE JUROR: Uh-hum.

4 MS. TEBBETT: That you have to listen to what  
5 they're saying, see if it makes sense?

6 PROSPECTIVE JUROR: Sure.

7 MS. TEBBETT: Just like any other witness?  
8 Would you agree with that?

9 PROSPECTIVE JUROR: Uh-hum.

10 MS. TEBBETT: And if it doesn't make sense,  
11 you don't believe them just because they're a police  
12 officer; right?

13 PROSPECTIVE JUROR: Yes.

14 MS. TEBBETT: Mr. Russo, did you hear  
15 Mr. Lemke give the example of the red light and the  
16 green light? The officer says it's red and you ran  
17 through it and someone else says, no, it was green? Do  
18 you give automatic credit to the police officer just  
19 because he's a police officer?

20 PROSPECTIVE JUROR: If it's that cold of a  
21 question, if it's red or it's green and he's swearing  
22 he's doing his job and swears it was green, I would  
23 give him the benefit of the doubt. I don't see what  
24 his motivation would be.

25 MS. TEBBETT: Well, let me ask you this.

1 Before you did that, would you listen to everything --

2 PROSPECTIVE JUROR: Sure.

3 MS. TEBBETT: -- that he had to say and what  
4 any of the other witnesses had to say?

5 PROSPECTIVE JUROR: Right.

6 MS. TEBBETT: And would you listen to what  
7 the circumstances were surrounding what they tell you  
8 they saw?

9 PROSPECTIVE JUROR: That's a very different  
10 question. Sure.

11 MS. TEBBETT: Would you do that?

12 PROSPECTIVE JUROR: Uh-hum.

13 MS. TEBBETT: Would you want to know how  
14 close each of them were to the light, how well could  
15 they see, was anything obstructing their view, how long  
16 did they look at it? Would you take all those other  
17 factors into consideration?

18 PROSPECTIVE JUROR: Sure.

19 MS. TEBBETT: Okay. So even if, you know, a  
20 police officer says one thing and a civilian says  
21 something else, up want to know those circumstances  
22 surrounding it?

23 PROSPECTIVE JUROR: Right.

24 MS. TEBBETT: Before you make a judgment.  
25 Can you promise me you would do that?

1 PROSPECTIVE JUROR: He could be wrong. I  
2 wouldn't say he was lying if it was just black and  
3 white.

4 MS. TEBBETT: And you heard the Judge mention  
5 certainly people could be telling the truth. They  
6 could be lying or they could just make a mistake.  
7 Okay. But you would want to hear all those  
8 circumstances before you made up your mind?

9 PROSPECTIVE JUROR: Sure.

10 MS. TEBBETT: And, Mr. Binder, would you  
11 agree with that? Would you want to hear all of the  
12 circumstances before you made up your mind about  
13 something?

14 PROSPECTIVE JUROR: Yes, it's not just red or  
15 green.

16 MS. TEBBETT: Okay. It's probably more than  
17 that?

18 PROSPECTIVE JUROR: Yes.

19 MS. TEBBETT: What did they see, were they  
20 talking on the phone when looking at the light,  
21 difficulty things that might impact --

22 PROSPECTIVE JUROR: Yes.

23 MS. TEBBETT: -- what they're telling you.  
24 Would you be able to do that if you were a juror in  
25 this case?

1 PROSPECTIVE JUROR: Yes.

2 MS. TEBBETT: Listen to the evidence, not  
3 just take it black or white, but look at all the  
4 surrounding circumstances? Would you be able to do  
5 that?

6 PROSPECTIVE JUROR: Yes, yes.

7 MS. TEBBETT: Mr. Gold, how about you? Would  
8 you be able to do that?

9 PROSPECTIVE JUROR: Yes.

10 MS. TEBBETT: How about you, Mr. Hossain?  
11 Would you be able to do that?

12 PROSPECTIVE JUROR: See what happened, my  
13 children were subject to crime, small crime though,  
14 three times, so at one point, I feel really, really bad  
15 about that, and then the appearance of cops, cops  
16 anywhere gave me, okay, some kind of protection,  
17 security, so this is something I just wanted to tell  
18 you honestly about that.

19 MS. TEBBETT: And certainly we all want to  
20 feel like that when we see police officers that they're  
21 there.

22 PROSPECTIVE JUROR: They're there to protect  
23 us.

24 MS. TEBBETT: But would you listen to what  
25 they say if they're testifying about an incident or

1 something that they saw, you know, on the street, for  
2 example, and see if it made sense to you or would you  
3 just automatically believe them because they are police  
4 officers?

5 PROSPECTIVE JUROR: But not exactly, but you  
6 can believe them, but again because of the perception  
7 of cops, they're here to protect us, that gives him,  
8 you know --

9 MS. TEBBETT: Right, right. That's certainly  
10 what their job is, and we all hope that they do that,  
11 but you would listen to what they say?

12 PROSPECTIVE JUROR: Absolutely.

13 MS. TEBBETT: And evaluate it, see if it  
14 makes sense, and would you agree with that also,  
15 Ms. Catania?

16 PROSPECTIVE JUROR: Uh-hum, yes.

17 MS. TEBBETT: Mr. Hossain, let me ask you  
18 this question. The incident that happened to your son  
19 and daughter, they reported those to the police; right?

20 PROSPECTIVE JUROR: No. They came back home,  
21 no. They came back home and they told us and they  
22 didn't follow up. They didn't fight it.

23 MS. TEBBETT: Do you know if there were any  
24 witnesses who saw what happened?

25 PROSPECTIVE JUROR: I'm sure there were



1           probably on the subway platform. It happened when the  
2           guy took out and punched, black eye. It wasn't -- it  
3           happened actually 14, 15 years ago when he was going to  
4           school.

5                       MS. TEBBETT: Well, let me ask you this  
6           question. Let's say your son was alone on the subway  
7           platform, just him and the person who was committing  
8           that crime against him, and if happened, he punched  
9           your son and ran away, your son's left at the subway  
10          station, went to the police station to make a report  
11          and he went into the police station and said, I want to  
12          make a report, I was just alone on the subway platform  
13          and this is what happened to me, this man punched me,  
14          took my Walkman, I want to make a report. I want you  
15          to find him and arrest him. Would you think that it  
16          would be fair if the police officer said to him, do you  
17          have any witnesses? Did anybody else see that? And  
18          your son says, well, no, I was alone on the platform.  
19          Would it be fair if the officer said to him then, I'm  
20          not taking your report if you don't have any witnesses.  
21          If you're the only one, we're not taking the report.  
22          Would that be fair?

23                      PROSPECTIVE JUROR: That would not be.

24                      MS. TEBBETT: That would not be fair?

25                      PROSPECTIVE JUROR: You have to --

1 MS. TEBBETT: You have would want him to  
2 still take that report; right?

3 PROSPECTIVE JUROR: Yeah, of course.

4 MS. TEBBETT: Ms. Gulli, would you agree with  
5 that?

6 PROSPECTIVE JUROR: Yes.

7 MS. TEBBETT: Would you agree with me that  
8 often times things don't happen in front of a lot of  
9 people?

10 PROSPECTIVE JUROR: Most times they don't.

11 MS. TEBBETT: Most times they don't, and that  
12 makes sense to you; right?

13 PROSPECTIVE JUROR: Yes.

14 MS. TEBBETT: But would you agree with me  
15 that it wouldn't be fair if the police didn't take a  
16 report or didn't investigate a case just because there  
17 were no other witnesses to say I saw what he did to her  
18 also?

19 PROSPECTIVE JUROR: That would not be fair.

20 MS. TEBBETT: So would you agree with me, we  
21 talked about the concept before. It would be not the  
22 quantity of the witnesses, but the quality of what they  
23 say when they come in and testify?

24 PROSPECTIVE JUROR: Yes.

25 MS. TEBBETT: And you would need to evaluate

1 what they're telling you?

2 PROSPECTIVE JUROR: Uh-hum.

3 MS. TEBBETT: Not how many of them come in  
4 and say what they saw. Would you agree with that?

5 PROSPECTIVE JUROR: Yes.

6 MS. TEBBETT: Ms. Jewell, how about you?  
7 Would you agree with that as well?

8 PROSPECTIVE JUROR: Yes.

9 MS. TEBBETT: Mr. Binder, would you agree  
10 with that?

11 PROSPECTIVE JUROR: Yes.

12 MS. TEBBETT: How about you, Mr. Russo?

13 PROSPECTIVE JUROR: Yes.

14 MS. TEBBETT: You would agree with that, and  
15 would you be able to listen to the what the witnesses  
16 are saying, evaluate it based on everything else that  
17 you hear and not give us less credit just because  
18 there's only one witness to a particular incident?  
19 That wouldn't be fair; right? Okay.

20 Now, Ms. Singas was talking a lot about the  
21 difference between being able to give a description of  
22 someone and being able to recognize them. Again, I'm  
23 not going to ask anybody to give a description of me,  
24 but do you understand the difference between the two;  
25 that maybe you might not be completely accurate when

1           you give a description of someone, but you would know  
2           them if you saw them again?

3                   PROSPECTIVE JUROR: Yeah.

4                   MS. TEBBETT: You think you would be good at  
5           that if you saw me later today? Do you think you would  
6           recognize me?

7                   PROSPECTIVE JUROR: Yes.

8                   MS. TEBBETT: You may not remember my name?

9                   PROSPECTIVE JUROR: Right.

10                  MS. TEBBETT: You may not remember --

11                  PROSPECTIVE JUROR: I'm sure I wouldn't  
12           remember your name.

13                  MS. TEBBETT: That's okay. I probably  
14           wouldn't remember yours either. You might not recall  
15           what color shoes I'm wearing, probably can't see them  
16           where you're sitting, but --

17                  PROSPECTIVE JUROR: She was in court  
18           tomorrow.

19                  MS. TEBBETT: She was the woman I saw in  
20           court today. How about you, Ms. Catania? Think you'd  
21           be able to recognize someone if you saw them again even  
22           if you didn't describe them perfectly the way they  
23           appeared to you?

24                  PROSPECTIVE JUROR: Yes.

25                  MS. TEBBETT: Because it's a different sort

1 of set of skills you would need to use. Would you  
2 agree with that?

3 PROSPECTIVE JUROR: Yes.

4 MS. TEBBETT: And that's, you know, that's  
5 one of the issues you're going to have to decide in  
6 this case if the witnesses have identified the correct  
7 person that committed these crimes against them whether  
8 they make a correct identification of the person.

9 We talked a little bit with the other jurors  
10 in the box about the factors that you would want to  
11 hear about when you're considering or deciding did they  
12 make a correct identification or not. You know, how  
13 far apart they are from each other if you're looking at  
14 me from here or looking at me from the end of the  
15 courtroom, what the lighting is like, how much time  
16 they spend together. Would you agree with all those  
17 factors as things you would consider in determining did  
18 they identify the correct person or not?

19 PROSPECTIVE JUROR: Right, but you're talking  
20 about rape cases; are you not? So that --

21 MS. TEBBETT: Yes.

22 PROSPECTIVE JUROR: This isn't something  
23 that's far away. These are close, you know, you're  
24 looking very close at the person.

25 MS. TEBBETT: Right. So would you agree with

1 me then that what the interaction is between the people  
2 also would play into how well they'd be able to  
3 identify them or recognize them?

4 PROSPECTIVE JUROR: Yes.

5 MS. TEBBETT: Not just someone who steals  
6 your purse and takes off. Would you agree with me that  
7 that is a factor as well you would consider what's  
8 happening between the two people?

9 PROSPECTIVE JUROR: Most definitely.

10 MS. TEBBETT: Certainly. Is that what you  
11 said? Okay. Mr. Hossein, how about you?

12 PROSPECTIVE JUROR: Yes.

13 MS. TEBBETT: Would you agree with all of  
14 those factors?

15 PROSPECTIVE JUROR: Of course. I have to  
16 consider all the factors.

17 MS. TEBBETT: Okay; how much time they spent  
18 together, what their interaction actually is together?

19 PROSPECTIVE JUROR: Yes.

20 MS. TEBBETT: Those are all things you would  
21 consider?

22 PROSPECTIVE JUROR: Yes.

23 MS. TEBBETT: Ms. Gulli, would you agree with  
24 that?

25 PROSPECTIVE JUROR: Yes, I would.

1 MS. TEBBETT: And Ms. Jewell, how about you?  
2 Anybody disagree with that? Okay.

3 Let me give you another example. Sure we all  
4 heard the example actions speak louder than words.  
5 Have you heard that before? Let's say you go up to the  
6 newsstand on the corner, take your 50 cents out of your  
7 pocket, you put it on the counter, guy behind the  
8 counter hands you the Newsday. How did he know to hand  
9 you the Newsday? You didn't say a word to him, but  
10 would you agree with me your actions can indicate to  
11 you what you wanted, what you wanted to do, what you  
12 were intending on doing at that point? Do you follow  
13 what I'm saying?

14 PROSPECTIVE JUROR: Oh yeah.

15 MS. TEBBETT: You're shaking your head, but  
16 the Court Reporter's got to take it down.

17 PROSPECTIVE JUROR: Oh, you're talking to me?

18 MS. TEBBETT: Yes.

19 PROSPECTIVE JUROR: Oh, sorry. Yeah,  
20 absolutely.

21 MS. TEBBETT: You follow?

22 PROSPECTIVE JUROR: I didn't know you were  
23 talking to me. I'm sorry.

24 MS. TEBBETT: That's okay. Mr. Gold, what  
25 about you? Would you agree with that?

1 PROSPECTIVE JUROR: Yes.

2 MS. TEBBETT: That someone can understand  
3 what you're intending by what you do, not just what you  
4 say?

5 PROSPECTIVE JUROR: That's correct.

6 MS. TEBBETT: Sometimes you don't have to say  
7 anything and someone can understand what you mean, what  
8 you're intending to do like the example I gave about  
9 the newspaper?

10 PROSPECTIVE JUROR: Yes.

11 MS. TEBBETT: You follow what I'm saying?

12 PROSPECTIVE JUROR: Yes.

13 MS. TEBBETT: Mr. Binder, would you agree  
14 with that?

15 PROSPECTIVE JUROR: Mostly, but must be some  
16 other things maybe involved. Perhaps there's a pack of  
17 chewing gum 50 cents. He may ask what you do you want,  
18 maybe inclusive.

19 MS. TEBBETT: So you would want to look at  
20 all the circumstances surrounding what's taking place  
21 before you make a decision?

22 PROSPECTIVE JUROR: Yes.

23 MS. TEBBETT: Okay. And maybe making that  
24 sort of inference is one of the things you would look  
25 at, but you'd look at other things as well?



1 PROSPECTIVE JUROR: Correct.

2 MS. TEBBETT: Maybe what happens before, what  
3 happened after. Would you consider that also?

4 PROSPECTIVE JUROR: Oh, yes.

5 MS. TEBBETT: Ms. Gulli, what about you?

6 PROSPECTIVE JUROR: I would have to consider  
7 everything.

8 MS. TEBBETT: Okay. So but would I -- could  
9 you accept the fact maybe someone doesn't come in and  
10 announce what they're going to do?

11 PROSPECTIVE JUROR: Uh-hum.

12 MS. TEBBETT: But you could make a  
13 determination based on their actions as to what their  
14 intention was looking at what happened before, what  
15 happened during, what happened after looking at  
16 everything?

17 PROSPECTIVE JUROR: Uh-hum.

18 MS. TEBBETT: You don't necessarily need them  
19 to announce what they were doing?

20 PROSPECTIVE JUROR: Right.

21 MS. TEBBETT: And you would be able to make a  
22 determination as to that. Would you agree with that?

23 PROSPECTIVE JUROR: Yes, I would.

24 MS. TEBBETT: How about you, Mr. Russo?  
25 Would you agree?

1 PROSPECTIVE JUROR: Actions are a great  
2 indicator, but one indicator.

3 MS. TEBBETT: One of several that you would  
4 consider?

5 PROSPECTIVE JUROR: It's a strong one.

6 MS. TEBBETT: I'm sorry?

7 PROSPECTIVE JUROR: It's a strong one.

8 MS. TEBBETT: Okay. Sometimes it is.

9 PROSPECTIVE JUROR: Sometimes it is.

10 Ms. Catania, what about you? Would you agree with  
11 that?

12 PROSPECTIVE JUROR: Yes, unless you're  
13 talking about a teenager.

14 MS. TEBBETT: What do you mean by that?

15 PROSPECTIVE JUROR: It's a joke.

16 MS. TEBBETT: You don't know what they're  
17 talking about?

18 PROSPECTIVE JUROR: It was a joke.

19 MS. TEBBETT: You never know. I haven't  
20 gotten there yet, but I'm sure it will be interesting.  
21 Okay.

22 PROSPECTIVE JUROR: All right.

23 MS. TEBBETT: Thank you.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: All right. Thank you.

1 Mr. Lemke?

2 MR. LEMKE: Is it pronounced Mr. Hossein?

3 PROSPECTIVE JUROR: Yes.

4 MR. LEMKE: You're an engineer?

5 PROSPECTIVE JUROR: I'm an engineer.

6 MR. LEMKE: Was it for the Department of  
7 Highway?

8 PROSPECTIVE JUROR: No, I work for the  
9 Department of Transportation, and specifically in the  
10 Bureau of Bridges.

11 MR. LEMKE: Regarding bridges, are you  
12 involved with any certifications of piers or cement?

13 PROSPECTIVE JUROR: No, not involving  
14 construction, involving design.

15 MR. LEMKE: Regarding there's a current  
16 investigation regarding the industry. Do you have  
17 anything to do with that?

18 PROSPECTIVE JUROR: No, it is not exactly  
19 under my purview, but the other groups I know there's  
20 some issue with the testing, yes, but I'm not involved  
21 with that.

22 MR. LEMKE: Okay. So you haven't in any  
23 way --

24 PROSPECTIVE JUROR: No.

25 MR. LEMKE: -- been involved with that

1 investigation or anything else like that?

2 PROSPECTIVE JUROR: No.

3 MR. LEMKE: And part of your responsibilities  
4 are their certifications you get involved with as well?

5 PROSPECTIVE JUROR: No, actually the  
6 engineering plans, go out and I have a team of  
7 engineers like fifteen engineers that they do review  
8 the engineering, the drawings and everything, standards  
9 and all that, and these are only part of my work, but  
10 the other importance certification, my engineer review  
11 certification of the balloons, the Macy's balloons, and  
12 they are, at this time, currently being reviewed.

13 MR. LEMKE: Thanksgiving Day Parade?

14 PROSPECTIVE JUROR: And I've been away and  
15 they must be very worried.

16 MR. LEMKE: Do you have a favorite balloon?

17 PROSPECTIVE JUROR: Yeah, three balloons  
18 coming up this time and when I left, when it came for  
19 they just submitted those specifications and I did  
20 transfer to my engineers who are right now in the  
21 process of doing the review, so they are waiting.

22 MR. LEMKE: Yet those responsibilities, if  
23 you're selected in this case and it lasts for two  
24 weeks, is that going to interfere with your ability to  
25 sit, been fair in this case? I know it's difficult for

1 anybody to sit two and a-half weeks from their  
2 responsibilities and their employment, so forth. Is  
3 that going to create a major concern or a problem or,  
4 you know, there's a responsibility here, you can accept  
5 it, sit here if selected as a juror in this case?

6 PROSPECTIVE JUROR: No, we do have engineers  
7 there, other engineers. I am the boss of the engineers  
8 and I involve the chief engineer, but of course being  
9 involved myself, I may not be as concerned as they are  
10 concerned.

11 MR. LEMKE: Is it Mr. Gold?

12 PROSPECTIVE JUROR: Gold.

13 MR. LEMKE: Again, the Judge indicates,  
14 without telling us what the verdict was, you sat on a  
15 case twenty years ago?

16 PROSPECTIVE JUROR: Yes.

17 MR. LEMKE: In that case, do you recall any  
18 of the instructions, probably not that the Court had  
19 given you regarding what you needed to consider before  
20 you can either acquit or convict an individual in that  
21 case?

22 PROSPECTIVE JUROR: Uhm, I'm not exactly sure  
23 what you mean.

24 MR. LEMKE: Judge charges you. This is what  
25 you must find, A, B, C, D, for example, before you can

1 convict and if there are any elements that are not  
2 proven beyond a reasonable doubt, you must acquit. I  
3 mean, is there anything from that case even though it's  
4 twenty years ago that would interfere with the  
5 instructions the Judge would give you today?

6 PROSPECTIVE JUROR: No, I don't think so.

7 MR. LEMKE: In that case, you deliberated in  
8 that case?

9 PROSPECTIVE JUROR: Yes.

10 MR. LEMKE: Was it a case that was on the  
11 facts pretty simple and there was a quick verdict or  
12 had there been much discussion during deliberations?

13 PROSPECTIVE JUROR: Well, I mean I don't know  
14 how much detail you want me to give.

15 MR. LEMKE: Don't give me detail. For  
16 example, was there a verdict within an hour or a day or  
17 two?

18 PROSPECTIVE JUROR: Yeah, it was a couple  
19 days.

20 MR. LEMKE: During that time, would you say  
21 you were more of a leader during those deliberations, a  
22 follower? Did you change your initial opinion or did  
23 you change the others to see it your way? Do you  
24 remember?

25 PROSPECTIVE JUROR: I wasn't a leader, I

1       wasn't a follower, and I didn't change my mind as to  
2       what I felt when we went into deliberate.

3               MR. LEMKE: And you were able to discuss with  
4       others, obviously, quite an experience as to what  
5       deliberations are, what needs to be done. You could do  
6       that again if selected in a case such as this?

7               PROSPECTIVE JUROR: Correct, I think so.

8               MR. LEMKE: Ms. Jewell?

9               PROSPECTIVE JUROR: Yes.

10              MR. LEMKE: The issue regarding a number of  
11       factors such as police officers testifying, a number of  
12       witnesses who will get up, testifying in part to  
13       something very emotional. If you're selected as a  
14       juror, obviously my concern in asking is can you sit,  
15       listen to that emotional testimony, anyone that's a  
16       potential juror, and still again wait until the end of  
17       the case until the Judge instructs you on the law as to  
18       what the elements are of each of the crimes charged and  
19       whether or not they are proven beyond a reasonable  
20       doubt that it's Ricardo Walters? It's a difficult  
21       thing to do, but can you do that if selected as a juror  
22       in this case?

23              PROSPECTIVE JUROR: Absolutely.

24              MR. LEMKE: Regardless of how many witnesses  
25       there are, regardless of what at least initially he's

1 the individual that did this to me, it's going to be  
2 something you can take a step back, look at the other  
3 evidence as to whether or not how an identification was  
4 made?

5 PROSPECTIVE JUROR: Absolutely.

6 MR. LEMKE: Is it Ms. Gulli?

7 PROSPECTIVE JUROR: Yes.

8 MR. LEMKE: Same type of questioning as well.

9 Selected as a juror, you know, emotionally charged  
10 situation; four jurors, we need another eight and a  
11 couple of alternates. Anything that I or the  
12 prosecutors or the Court should be concerned with if  
13 you're selected as a juror in this case in sitting,  
14 listening to the evidence?

15 PROSPECTIVE JUROR: No, I don't think so.

16 It's going to be enjoyable.

17 MR. LEMKE: No, it's not. It's not.

18 PROSPECTIVE JUROR: I'd be happy to hear it.

19 And, Judge, wanted to make one correction where my  
20 son-in-law is. He's at Sing-Sing, not Riker's.

21 MR. LEMKE: Okay. So it's Sing-Sing; two  
22 different things. That's after somebody's sentenced.

23 PROSPECTIVE JUROR: That's why I don't even  
24 know. I don't pay attention.

25 MR. LEMKE: Again, nothing from any of that?



1 PROSPECTIVE JUROR: No, I wanted to make -- I  
2 was thinking, oh, my God, I'm saying wrong name.

3 MR. LEMKE: Okay. I know I haven't asked all  
4 of the questions. Don't have anything else. Thank  
5 you, your Honor.

6 PROSPECTIVE JUROR: Can I say something?

7 THE COURT: You have a question?

8 PROSPECTIVE JUROR: I do. I meant to  
9 interrupt, but things were moving. You said would you  
10 be at a disadvantage by only having one witness. That  
11 was the question? I have actually -- I was thing about  
12 this over lunch, actually affects me the other way  
13 which is -- it's always bothered me, women who  
14 prosecute rape cases usually are at a disadvantage.

15 THE COURT: All right. Well, whether they're  
16 at an advantage or disadvantage is not something you,  
17 as a juror, are going to necessarily make any  
18 determination, if I'm following you right.

19 PROSPECTIVE JUROR: Okay.

20 MR. LEMKE: Is there something about the  
21 facts that about the witnesses in this case?

22 PROSPECTIVE JUROR: No, no.

23 MR. LEMKE: You're talking about prosecution  
24 itself? Okay. All right, Ms. Tebbett, Ms. Singas,  
25 Mr. Lemke, whenever you're ready. Step forward.

1 Anybody in the box need the bathroom? When you come  
2 back, use that door there.

3 THE COURT: Those of you seated here if you  
4 could just kindly have a seat in the back out in the  
5 audience, then again, any of you that needs to use the  
6 facilities.

7 (Whereupon, the following took place at the  
8 bench:)

9 THE COURT: We have seven, so we can consider  
10 the whole board.

11 People cause?

12 MS. TEBBETT: 10, Ms. Catania.

13 MR. LEMKE: Consent.

14 THE COURT: Defendant cause?

15 MR. LEMKE: None.

16 THE COURT: People peremptory?

17 MS. TEBBETT: No.

18 THE COURT: No perempts. Mr. Lemke?

19 MR. LEMKE: Mr. Gold, Mr. Russo, Mr. Binder  
20 and Ms. Gulli.

21 THE COURT: You've used five.

22 MR. LEMKE: Yes.

23 THE COURT: Defendant has used 11 -- 10 you  
24 used 4, so you've used 10. People, you still have 8  
25 left, didn't use any this round.

1                   Going to make Ms. Jewell and Mr. Hossein  
2                   jurors 5 and 6.

3                   (Whereupon, the following took place in open  
4                   court:)

5                   THE COURT: All right. Now next issue We're  
6                   going to, if we can pick up at 3:30 after we take care  
7                   of these people, we got pre-screen the next 30. We're  
8                   really going to be cutting it close, even figure to  
9                   like 4:45. I'm not bringing these people back on  
10                  Monday.

11                  MS. SINGAS: Think we should just start again  
12                  on Monday. Don't think we're going to get to them,  
13                  Judge, obviously.

14                  THE COURT: Everybody got their hearts set on  
15                  not being here tomorrow?

16                  MS. SINGAS: I could come in tomorrow.

17                  MR. LEMKE: 9:30 with this group?

18                  THE COURT: At the rate we're going --

19                  MS. SINGAS: I put in all my witnesses and  
20                  everything for Wednesday.

21                  MR. LEMKE: Still open Wednesday.

22                  THE COURT: Still not doing anything until  
23                  Wednesday. That's not changing anything. I'll try to  
24                  push it. If I can do it, I'll do it.

25                  (Whereupon, the following took place in open

1 court:)

2 THE COURT: Step back into the jury box. You  
3 don't have to remember the seats you were in. Listen  
4 to my clerk, if you would.

5 THE CLERK: Following jurors names I call  
6 have been selected to be on this jury. Number 5 is  
7 Alicia Jewell, juror 6, Abul Hossein. If your name has  
8 been called, please remain in your seat. If your name  
9 has not been called, you're excused from this case and  
10 you must return to central jury.

11 THE COURT: Those of you that have been  
12 excused, again, with my thanks, thank you very much.  
13 Wish you all the best. Please be careful as you step  
14 out of the jury box.

15 (Whereupon, the excused jurors left the  
16 courtroom.)

17 THE CLERK: Remaining jurors satisfactory to  
18 the People?

19 MS. TEBBETT: They are.

20 MR. LEMKE: Yes, your Honor.

21 THE COURT: Selected jurors please rise.

22 (Whereupon, two jurors were duly sworn by the  
23 Court Clerk.)

24 THE COURT: Ms. Jewell, Mr. Hossein, thank  
25 you. Welcome. I believe our fifth and sixth jurors

1           respectively. As I indicated to those that were  
2           selected this morning, going to direct you both report  
3           back here next Wednesday, the 5th, it's the day after  
4           Election day, 9:30. My sergeant, James, will give you  
5           some further instructions. Please don't come here  
6           tomorrow. Don't come here Monday. Wednesday, November  
7           5th, 9:30. We'll give you further instructions  
8           regarding parking where to report. Follow my officer.  
9           See you on Wednesday. We'll begin with opening  
10          statements and calling of witnesses on that day.

11                       (Whereupon, the sworn jurors left the  
12          courtroom.)

13                       (Whereupon, a brief recess was taken.)

14                       (Whereupon, the second jury panel entered the  
15          courtroom.)

16                       THE COURT: Good afternoon. Welcome back.  
17          We ran, I should say a little bit over. We were in the  
18          middle of jury selection for the past hour. I  
19          appreciate everybody's indulgence. I know you've been  
20          inconvenienced, but I want to first say, I appreciate  
21          you being here. All of you are, obviously, now into my  
22          courtroom at this particular time. We're in the  
23          process of picking, as I said to you earlier, a jury in  
24          a criminal case.

25                       The title of the action is the People of the

1 State of New York against Ricardo Walters. The People  
2 in this particular County are represented by the  
3 district attorney, which is Kathleen Rice. Two of  
4 Ms. Rice's rises assistant district attorneys will be  
5 prosecuting this case behalf of the District Attorney's  
6 office. Seated at the first table is Ms. Madeline  
7 Singas.

8 MS. SINGAS: Good afternoon.

9 THE COURT: Seated next to her is Ms. Theresa  
10 Tebbett.

11 MS. TEBBETT: Good afternoon.

12 THE COURT: Seated at the second table is the  
13 defendant, Ricardo Walters.

14 THE DEFENDANT: Good afternoon.

15 THE COURT: Seated next to his right is his  
16 attorney, Mr. Dennis Lemke.

17 MR. LEMKE: Hello.

18 THE COURT: Now, before we begin, fill the  
19 jury box, what I'd like to do is conduct a  
20 prescreening, if you will. I'm going to tell you a  
21 little bit about the nature, going to tell you about  
22 the nature of the case as well as its anticipated  
23 length, if you will. The indictment in this case  
24 accuses the defendant of various accounts of robbery,  
25 rape, sexual abuse and kidnapping over a period of a

1 number of, I believe three to four different dates I  
2 believe commencing in 2005 and I believe ending in  
3 2007. The fact that I mentioned an indictment is, by  
4 no means, any evidence of guilt. The fact that an  
5 indictment has been filed has no evidentiary value  
6 whatsoever. It's the means and mechanism by which a  
7 felony case is brought to trial in the State of New  
8 York.

9 Defendant in this case has pled not guilty to  
10 the indictment and, therefore, that's why we are here  
11 to begin jury selection in the trial of this particular  
12 action. It's anticipated that the trial is going to  
13 take about a two and a-half to three-week period of  
14 time. It's anticipated that we will finish, hopefully,  
15 sometime the early part of the week of November 17th.  
16 We will not be sitting I should say obviously November  
17 4th, this upcoming Tuesday, Election Day, nor the  
18 following Tuesday which is November 11th which is  
19 Veteran's Day. What I'm going to do with that in mind  
20 is ask those of you that either of the following  
21 criteria, and I want to emphasize the following  
22 criteria, I cannot excuse you from jury service.  
23 Depending on whether or not you meet the following  
24 criteria, you may get excused, however, from this  
25 particular case, but those of you that have a planned

1 vacation between now and November 21st, a planned  
2 business trip, I emphasize both of those, planned, any  
3 type of medical procedure that you cannot reschedule,  
4 any issue with respect to child care, and for that  
5 matter, elder care that would impact on your ability to  
6 serve as a juror in this particular case. We generally  
7 sit until about 4:40, 4:45 each day. Just keep in  
8 mind, there's no longer sequestration in New York  
9 State, meaning we do not hold people overnight in  
10 hotels once a jury is out to deliberate, so you will be  
11 going home each and every day, even during the course  
12 of deliberations.

13 I cannot excuse you for economic reasons, as  
14 unfortunate as that may be, unless it is a particular  
15 hardship for you, so at this point, what I'm going to  
16 do, I'm going to ask for you to kindly pay attention to  
17 James, my sergeant who's standing here. Those of you  
18 who meet -- he's going to go row by row -- that meet  
19 the criteria, going to ask you to please step forward  
20 with your belongings. Jim, if you would.

21 Whereupon, a discussion was held off the  
22 record, at the bench, among the attorneys and  
23 prospective jurors.)

24 (Whereupon, the following took place in open  
25 court:)



1 THE COURT: For those of you who are still  
2 seated, I know at least one of you wasn't here when we  
3 swore everybody in this morning. Other than the one  
4 potential or prospective I should say juror, anyone  
5 else that wasn't here this morning when everyone was  
6 sworn in? Ma'am, if you could kindly just stand up for  
7 a moment while my Clerk swears you in?

8 (Whereupon, one prospective juror was duly  
9 sworn by the Court Clerk.)

10 THE COURT: All right. Those of you that are  
11 here, kindly listen as my Clerk is going to read off  
12 fourteen names. If your name is called, kindly step  
13 forward with your belongings, bring whatever you have  
14 with you and follow my officers. They'll tell you  
15 where to go in terms of sitting in the jury box.

16 THE CLERK: Seat 1, Debra Apgar, A-P-G-A-R;  
17 Seat 2, Dana Sway Gobin, G-O-B-I-N;  
18 Seat 3, Simon Yefrem, Y-E-F-R-E-M;  
19 Seat 4, Michael Miller, M-I-L-L-E-R;  
20 Seat 5, Robert Honan, H-O-N-A-N;  
21 Seat 6, Donna Werkmeister,  
22 W-E-R-K-M-E-I-S-T-E-R;  
23 Seat 7, Christian Ramos, R-A-M-O-S;  
24 Seat 8, Helen Jacobson, J-A-C-O-B-S-O-N  
25 Seat 9, Michael Smith, S-M-I-T-H;

1                   Seat 10, Francis Baxter, B-A-X-T-E-R;

2                   Seat 11, Steven Rovere, R-O-V-E-R-E;

3                   Seat 12, Edward Lebright, L-E-B-R-I-G-H-T;

4                   Seat 13, Steven Liesveld, L-I-E-S-V-E-L-D;

5                   Seat 14, Glen Marrus, M-A-R-R-U-S.

6                   THE COURT: Those of you that have been

7                   called to the jury box, again, welcome. Anybody here

8                   before I get into some further questions explaining

9                   certain principles of law? Does anybody here either

10                  recognize any of the parties to this case, either the

11                  assistant DA, defense attorney, defendant? Okay. As I

12                  indicated to you the nature of some of the charges, the

13                  title of the action, this particular case over he past

14                  has received some degree of media attention either in

15                  the newspapers or on the TV or Internet. The defendant

16                  in this case is a New York City Correction Officer.

17                  Does that mean anything to anybody in terms of the

18                  question with respect to media? Everyone sits here,

19                  has anybody heard of anything about the case, read

20                  anything about the case of any significance?

21                  Mr. Marrus?

22                  PROSPECTIVE JUROR: I'm familiar just by

23                  reading about what went on in the paper and on

24                  television.

25                  THE COURT: Anything about what you either

1 read or saw on the TV that you formed an opinion one  
2 way or another in this case?

3 PROSPECTIVE JUROR: No, your Honor.

4 THE COURT: I'm going to now list a number of  
5 names that are either going to be potential witnesses  
6 in the case or names you may hear during the course of  
7 the trial. Hempstead Police Officer Dale Jones,  
8 Hempstead Police Officer Eugene Este, Nassau County  
9 Detective Sheila Wimberly, Nassau County Detective John  
10 Lavelle, Nassau County Detective Wayne Birdsall, Nassau  
11 County Detective Bob Dunn, Nassau County Detective  
12 Danielle Perez, I believe Nassau County Detective  
13 Edward Moran, Police Officer Ralph Morales, Sandy Hayn,  
14 Anna Fernandez, Barbara Heffernan, Delsey Sanchez, Ilsa  
15 Morales, Delmy Morales, Shamika Dottin, Sara Sandoval,  
16 Allyson Davilar, Sandra Dottin, same spelling, Thomas  
17 Lynch, Greg Navoy, Rosa Portillo, Investigator Richard  
18 Lombardi. Any of those names for any reason sound  
19 familiar to any of the fourteen of you who are seated  
20 here? Anybody? I'm sorry. Ms. Jacobson?

21 PROSPECTIVE JUROR: Yes, Thomas Lynch. I  
22 don't know why it's so familiar to me, but I know that  
23 name.

24 THE COURT: The Thomas Lynch that you may  
25 know, do you know from where you know him or what.

1 capacity you know him? Social relationship, business  
2 relationship?

3 PROSPECTIVE JUROR: No, if he walks in here,  
4 maybe I'd say, oh.

5 THE COURT: Lynch is obviously a fairly  
6 common name.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Anybody else recognize any of the  
9 names? At this point, I'm going to basically go over  
10 what your role is going to be if selected as a juror in  
11 this case, what my role is. I'm going to explain some  
12 principles that apply in any criminal case, certain  
13 principles of law that you're going to be sworn to  
14 follow if selected as a juror in this case. Followed  
15 by that, I'm then going to ask questions such as  
16 neighborhood which you live, whether or not you're  
17 married, in a committed relationship, whether or not  
18 you have any children, nature of your employment, also  
19 ask you about any prior jury service, anybody's close  
20 to you in law enforcement that you feel would be  
21 something you think we should know about as well as any  
22 prior crime victim history and whether or not anybody  
23 close to you has ever been accused or convicted of a  
24 crime.

25 Prospective members of our panel, a trial is

1 the process by which the jury determines if a defendant  
2 is guilty or not guilty of the charges, some of which I  
3 have just indicated to you a few moments ago. In that  
4 process, you are selected as jurors, and I as the judge  
5 perform separate functions as jurors. You're going to  
6 be called upon to determine whether or not the evidence  
7 that you hear and see in this case established  
8 defendant's guilt beyond a reasonable doubt. In order  
9 to do this at the end of the trial, you'll have to  
10 evaluate all the evidence and determine what evidence  
11 you have heard from the witnesses, seen as exhibits is  
12 credible and what it all means. This is called finding  
13 the facts. That would be your function alone. I will  
14 not find facts in this trial.

15 Your ultimate decision is called a verdict.  
16 Your verdict will either be guilty or not guilty. The  
17 attorneys will present evidence usually by calling  
18 witnesses and may suggest in their closing arguments  
19 that you draw certain conclusions from the evidence.  
20 You are not bound by what the attorneys say. Only you  
21 can decide what really happened and the verdict as to  
22 each of the counts will remain your decision alone.

23 As judge, I make no determination of guilt or  
24 lack of guilt. My role at trial is to insure that you  
25 reach your verdict in accordance with the applicable

1 law as I explain it to you. In order for the People  
2 and defendant to receive a fair trial, I may have to  
3 rule on questions concerning the conduct of the trial.  
4 Those rules have nothing to do with whether the  
5 defendant is guilty or not guilty. I may also rule on  
6 questions concerning what evidence you may consider and  
7 for what purpose. When I make a ruling concerning  
8 whether or not you may hear some testimony or see some  
9 exhibit which is offered as evidence, I will be ruling  
10 on whether or not you're permitted to see or hear it as  
11 a matter of law. Likewise, if I instruct you to  
12 disregard something you might have heard, I will do so  
13 because that is the law. None of my rulings should be  
14 taken by you as any indication at all of whether you  
15 should believe all or part of what's offered as  
16 evidence or that the defendant is guilty or not guilty.  
17 This is solely for you to determine.

18 You must accept the law as I give it to you  
19 if the defendant and the People are to have a fair  
20 trial to which they are both entitled. At this  
21 particular point, I'm going to turn to some fundamental  
22 principles of law that apply in all criminal trials;  
23 presumption of innocence, burden of proof, and the  
24 requirement of proof beyond a reasonable doubt.  
25 Throughout these proceedings, the defendant is presumed

1 to be innocent. As a result, you must find the  
2 defendant not guilty unless, on the evidence presented  
3 at this trial, you conclude that the People have proven  
4 the defendant guilty beyond a reasonable doubt. That a  
5 defendant does not testify as a witness is not a factor  
6 from which any inference unfavorable to the defendant  
7 may be drawn. The defendant is not required to prove  
8 that he is not guilty. In fact, the defendant is not  
9 required to prove or disprove anything. To the  
10 contrary, the People have the burden of proving the  
11 defendant guilty beyond a reasonable doubt. That means  
12 before you can find the defendant guilty of a crime,  
13 the People must prove beyond a reasonable doubt every  
14 element of the crime, including that the defendant is  
15 the person who committed that crime. The burden of  
16 proof never shifts from the People to the defendant.  
17 If the People fail to satisfy their burden of proof,  
18 you must find the defendant not guilty. If the People  
19 satisfy their burden of proof, you must find the  
20 defendant guilty.

21 What does our law mean when it requires proof  
22 of guilt beyond a reasonable doubt? The law uses the  
23 term proof beyond a reasonable doubt to tell you how  
24 convincing the evidence of guilt must be to permit a  
25 verdict of guilty. The law recognizes that in dealing

1 with human affairs, there are few things in this world  
2 that we know with absolute certainty. Therefore, the  
3 law does not require the People to prove a defendant  
4 guilty beyond all possible doubt. On the other hand,  
5 it is not sufficient to prove that the defendant is  
6 probably guilty. In a criminal case, the proof of  
7 guilt must be stronger than that. It must be beyond a  
8 reasonable doubt. A reasonable doubt is an obvious  
9 doubt of the guilt for which a reason exists based upon  
10 the nature and quality of the evidence. It is an  
11 actual doubt, not a an imaginary doubt. It is a doubt  
12 that a reasonable person, acting in a matter of this  
13 importance would be likely to entertain because of the  
14 evidence that was presented or because of the lack of  
15 convincing evidence. Proof of guilt beyond a  
16 reasonable doubt is proof that leaves you so firmly  
17 convinced of the defendant's guilt that you have no  
18 reasonable doubt of the existence of any element of the  
19 crime or of the defendant's identity as the person who  
20 committed the crime.

21 In determining whether or not the People have  
22 proven the defendant's guilt beyond a reasonable doubt,  
23 you should be guided solely by a full and fair  
24 evaluation of the evidence. After carefully evaluating  
25 the evidence, each of you must decide whether or not



1 that evidence convinces you beyond a reasonable doubt  
2 of the defendant's guilt. Whatever your verdict may  
3 be, it must not rest upon baseless speculation nor may  
4 it be influenced in any way by bias, prejudice,  
5 sympathy or by a desire to bring an end to your  
6 deliberations or to avoid an unpleasant duty.

7 As judges of the facts, you alone determine  
8 the truthfulness and accuracy of the testimony of each  
9 witness. You must decide whether a witness told the  
10 truth and was accurate, or instead, testified falsely  
11 or was mistaken. You must also decide what importance  
12 to give to the testimony you accept as truthful and  
13 accurate. It is the quality of the testimony that is  
14 controlling, not the number of witnesses who testify.

15 There's no particular formula for evaluating  
16 the truthfulness and accuracy of another person's  
17 statements or testimony. You bring to this process all  
18 of your varied life experiences. In life, you  
19 frequently decide the truthfulness and accuracy of  
20 statements made to you by other people. The same  
21 factors used to make those decisions should be used in  
22 that case when evaluating the testimony. At the end of  
23 the trial, I will give you some examples of those  
24 factors. As I indicated, you heard me list the number  
25 of police officers and/or detectives in this case. The

1 testimony of a witness should not be believed solely  
2 and simply because the witness is a police officer. At  
3 the same time, a witness's testimony should not be  
4 disbelieved solely and simply because the witness is a  
5 police officer. In other words, you must not believe  
6 or disbelieve a police officer just because he or she  
7 is a police officer. You must listen to a police  
8 officer or detective's testimony just like you would  
9 listen to any other witness and you should evaluate a  
10 police officer or detective's testimony for  
11 truthfulness and accuracy in the same way you would  
12 evaluate the testimony of any other witness.

13 Is there anybody here seated, going to go by  
14 the first row, anybody here who cannot follow those  
15 instructions, basic principles of law that apply in any  
16 criminal case? Anybody here first row? By show of  
17 hands, anybody in the second row who couldn't follow  
18 those basic principles of law?

19 As I indicated to you, your -- should you be  
20 selected as a juror in this case, you, along with your  
21 fellow jurors, must come to a unanimous verdict if you  
22 can do so; guilty or not guilty. In the first row, is  
23 there anybody here, for religious reasons, who would  
24 not be able to do that? Anybody in the second row?  
25 Okay. At this point, what I'm going to do, I'm going

1 to ask you some questions individually again. I want  
2 to emphasize not here to embarrass or make anybody feel  
3 they have revealed certain personal information. If  
4 there's anything about any of the questions I ask or  
5 any of the questions that the attorneys ask you feel  
6 you would want to discuss at the bench here privately  
7 out of earshot, if you will, of the rest of the  
8 prospective jurors and the rest of the court, by all  
9 means, please indicate so and we'll be more than  
10 willing to accommodate you. Going to ask you questions  
11 in the manner in which were you selected.

12 Ms. Apgar?

13 PROSPECTIVE JUROR: Hi.

14 THE COURT: Could you tell me the  
15 neighborhood? Nobody has to give exact street address,  
16 the neighborhood which you live.

17 PROSPECTIVE JUROR: A town name you want?

18 THE COURT: Yes.

19 PROSPECTIVE JUROR: Plainedge.

20 THE COURT: And whether you're married or in  
21 a committed relationship.

22 PROSPECTIVE JUROR: Married.

23 THE COURT: Is your spouse working?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What kind of work does he do?

1 PROSPECTIVE JUROR: He's a computer  
2 programmer.

3 THE COURT: Children, if any?

4 PROSPECTIVE JUROR: Yes, two boys.

5 THE COURT: Approximate ages?

6 PROSPECTIVE JUROR: 20.

7 THE COURT: All right. Either one of them  
8 working at this time?

9 PROSPECTIVE JUROR: Both students.

10 THE COURT: You, yourself, currently working?

11 PROSPECTIVE JUROR: Part-time teacher aid.

12 THE COURT: Okay. Thank you.

13 PROSPECTIVE JUROR: Should I say? Student in  
14 law school.

15 THE COURT: Fine. You can tell us about  
16 that. That doesn't exclude you.

17 PROSPECTIVE JUROR: Oh.

18 THE COURT: Good. Mr. Gobin, town which you  
19 live?

20 PROSPECTIVE JUROR: West Hempstead.

21 THE COURT: Married or committed  
22 relationship?

23 PROSPECTIVE JUROR: Married, one daughter.

24 THE COURT: And what kind of work are you  
25 currently doing?

1 PROSPECTIVE JUROR: Work in the airline  
2 industry.

3 THE COURT: Can you tell us what capacity?

4 PROSPECTIVE JUROR: Supervisor of JFK for  
5 Korean Airlines.

6 THE COURT: All right. Mr. Yefrem, am I  
7 pronouncing that correctly? Town which you live in?

8 PROSPECTIVE JUROR: Cedarhurst.

9 THE COURT: Married or committed  
10 relationship?

11 PROSPECTIVE JUROR: Married.

12 THE COURT: Children?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Type of work that you do?

15 PROSPECTIVE JUROR: Restaurant owner.

16 THE COURT: Okay. Is your spouse currently

17 PROSPECTIVE JUROR: She runs the restaurant.

18 THE COURT: She runs the restaurant. Okay.

19 All right. Mr. Miller, good afternoon.

20 PROSPECTIVE JUROR: Oceanside, married, two  
21 children.

22 THE COURT: Approximate ages?

23 PROSPECTIVE JUROR: Late twenties, early  
24 thirties.

25 THE COURT: And you're currently working?

1 PROSPECTIVE JUROR: Retired, part-time.

2 THE COURT: When you were working I guess  
3 full-time, what was your occupation?

4 PROSPECTIVE JUROR: GED, math educator.

5 THE COURT: At a local school?

6 PROSPECTIVE JUROR: In the City.

7 THE COURT: City. Okay. Your spouse  
8 currently working?

9 PROSPECTIVE JUROR: Part-time.

10 THE COURT: What type of work does she do?

11 PROSPECTIVE JUROR: College adjunct.

12 THE COURT: And Mr. Honan is it?

13 PROSPECTIVE JUROR: Honan, yes.

14 THE COURT: Town in which you live?

15 PROSPECTIVE JUROR: Long Beach.

16 THE COURT: Married or committed  
17 relationship?

18 PROSPECTIVE JUROR: 44 years married.

19 THE COURT: Okay. Children?

20 PROSPECTIVE JUROR: Two sons.

21 THE COURT: I assume --

22 PROSPECTIVE JUROR: They're married.

23 THE COURT: The work that they do?

24 PROSPECTIVE JUROR: One is an electrician,  
25 the other works with the blind.

1 THE COURT: Are you, yourself, still working?  
2 PROSPECTIVE JUROR: Not this year.  
3 THE COURT: Not this year. Okay.  
4 PROSPECTIVE JUROR: I retired and I consult,  
5 but --  
6 THE COURT: What type of work did you do when  
7 working?  
8 PROSPECTIVE JUROR: Banking.  
9 THE COURT: Banking. Okay. Thank you.  
10 Ms. Werkmeister?  
11 PROSPECTIVE JUROR: Baldwin Harbor.  
12 THE COURT: Married or committed  
13 relationship?  
14 PROSPECTIVE JUROR: Committed relationship.  
15 THE COURT: Children, if any?  
16 PROSPECTIVE JUROR: I have one daughter.  
17 THE COURT: Approximately how old is she?  
18 PROSPECTIVE JUROR: 16.  
19 THE COURT: Type of work, if any, you're  
20 doing now?  
21 PROSPECTIVE JUROR: I'm unemployed right now.  
22 THE COURT: Ms. Ramos, good afternoon. Town  
23 which you live?  
24 PROSPECTIVE JUROR: Valley Stream.  
25 THE COURT: Married or committed

1 relationship?

2 PROSPECTIVE JUROR: Committed relationship.

3 THE COURT: Children?

4 PROSPECTIVE JUROR: Yes, three.

5 THE COURT: Their approximate ages?

6 PROSPECTIVE JUROR: 10, 11, 16.

7 THE COURT: Are you currently working?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: What type of work?

10 PROSPECTIVE JUROR: Data coordinator,  
11 computers.

12 THE COURT: Going to the second row,  
13 Ms. Jacobson, town?

14 PROSPECTIVE JUROR: Valley Stream.

15 THE COURT: Married?

16 PROSPECTIVE JUROR: Widowed.

17 THE COURT: Children?

18 PROSPECTIVE JUROR: I have three sons.

19 THE COURT: Their work, if any?

20 PROSPECTIVE JUROR: They're plumbers. One's  
21 a commercial artist.

22 THE COURT: Are you currently working?

23 PROSPECTIVE JUROR: I'm retired now, but I  
24 was working in an insurance company.

25 THE COURT: Thank you. Mr. Smith, town you



1 live?

2 PROSPECTIVE JUROR: Valley Stream.

3 THE COURT: Married, committed relationship?

4 PROSPECTIVE JUROR: Married, sir.

5 THE COURT: Children?

6 PROSPECTIVE JUROR: Two.

7 THE COURT: Approximately how old?

8 PROSPECTIVE JUROR: 23 and 14.

9 THE COURT: Okay, twenty-three-year old  
10 working?

11 PROSPECTIVE JUROR: She goes to school.

12 THE COURT: Going to school, okay, and the  
13 work that you do, if any, at this time?

14 PROSPECTIVE JUROR: Math teacher.

15 THE COURT: New York City Board of Education?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: He said in the City. Mr. Baxter,  
18 town?

19 PROSPECTIVE JUROR: Long Beach.

20 THE COURT: Long Beach?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Married or committed  
23 relationship?

24 PROSPECTIVE JUROR: Married.

25 THE COURT: Children, if any?

1 PROSPECTIVE JUROR: We have six between us,  
2 ten grandchildren.

3 THE COURT: Okay, the six children are all  
4 adults, I assume?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Tell us nature of their work.

7 PROSPECTIVE JUROR: One's in Wall Street,  
8 rest of them are housewives, mainly.

9 THE COURT: Are you yourself currently  
10 working or retired?

11 PROSPECTIVE JUROR: Retired.

12 THE COURT: Nature of your work?

13 PROSPECTIVE JUROR: Banking.

14 THE COURT: Banking. Okay. Mr. Rovere?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Town?

17 PROSPECTIVE JUROR: Rockville Centre.

18 THE COURT: Married or committed  
19 relationship?

20 PROSPECTIVE JUROR: Married, two children.

21 THE COURT: Ages?

22 PROSPECTIVE JUROR: 18 and 15.

23 THE COURT: Okay, and your occupation?

24 PROSPECTIVE JUROR: I'm an accountant.

25 THE COURT: Mr. Lebright?

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Town in which you live?

3 PROSPECTIVE JUROR: Levittown.

4 THE COURT: Married or committed  
5 relationship?

6 PROSPECTIVE JUROR: Married.

7 THE COURT: Children?

8 PROSPECTIVE JUROR: Three; 13 twins and 8  
9 year old.

10 THE COURT: Again, your work?

11 PROSPECTIVE JUROR: I work for Con Edison and  
12 my wife is a defense attorney in Queens.

13 THE COURT: Criminal defense?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: For how long has she been?

16 PROSPECTIVE JUROR: 16, years 15 years.

17 THE COURT: Does she use her maiden name or  
18 your name?

19 PROSPECTIVE JUROR: My name.

20 THE COURT: Your name is Lebright?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. Is it Liesveld?

23 PROSPECTIVE JUROR: Liesveld.

24 THE COURT: Town which you live?

25 PROSPECTIVE JUROR: Freeport. I'm married

1 for 33 years. I have a daughter 28 years old that's  
2 married to a JAG officer in the army.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: And I am director of  
5 security and risk management in the hospitality  
6 industry.

7 THE COURT: Very good. Finally, Mr. Marrus?

8 PROSPECTIVE JUROR: Plainview, married, one  
9 daughter 20 years old who's a student and my occupation  
10 is a compliance officer and quality assurance.

11 THE COURT: Okay. All right. All right.  
12 I'm going to go kind of go first row and move into the  
13 second row.

14 Anyone in the first row ever sat -- prior to  
15 today, ever sat in a criminal or civil trial, either  
16 state or federal? Any prior jury -- basically any  
17 prior jury service or any prior grand jury service.

18 Mr. Honan?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What kind of case and where?

21 PROSPECTIVE JUROR: A number of years ago, a  
22 DWI over in Hempstead.

23 THE COURT: District Court?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Jury went to verdict in the case?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Anybody else first row,  
3 Mr. Miller?

4 PROSPECTIVE JUROR: Yes, it was in Mineola,  
5 and it was I think it was auto theft.

6 THE COURT: How many years ago, if you know?

7 PROSPECTIVE JUROR: I would guess about six  
8 years ago.

9 THE COURT: Okay, jury reached a verdict.

10 PROSPECTIVE JUROR: Yes, it did.

11 THE COURT: Okay. All right. Anybody else  
12 in the first row prior criminal or civil jury service  
13 either in the state system or federal system or grand  
14 jury? Okay. In the second row, anybody?

15 Mr. Rovere?

16 PROSPECTIVE JUROR: Yes, embezzlement case  
17 here in Mineola.

18 THE COURT: How many years ago?

19 PROSPECTIVE JUROR: Boy, at least 15.

20 THE COURT: Again, jury reach a verdict?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Mr. Liesveld?

23 PROSPECTIVE JUROR: Yes. Been to lots of  
24 trials, but never as a juror.

25 THE COURT: You said you've been to lots of

1 trials. You mean called?

2 PROSPECTIVE JUROR: As a witness. I've made  
3 arrests.

4 THE COURT: So you testify in your work  
5 capacity?

6 PROSPECTIVE JUROR: Yes, yes.

7 THE COURT: All right. We're going to get to  
8 that in a minute. Anybody else in terms of prior jury  
9 service, Mr. Baxter?

10 PROSPECTIVE JUROR: I sat in one civil case,  
11 but they threw it out once we sat down, almost lasted  
12 about two days.

13 THE COURT: Okay. Often happens in the civil  
14 arena. Mr. Marrus, you're shaking your head. Same  
15 experience?

16 PROSPECTIVE JUROR: Federal case, drugs in  
17 Brooklyn about 15 years ago. We sat and we were  
18 excused.

19 THE COURT: Before you went to verdict?  
20 Okay. Anybody else in that second row who's had any  
21 kind of prior jury service?

22 PROSPECTIVE JUROR: Okay. All right. Going  
23 back to the first row, this question deals with any of  
24 you who have loved ones, close family members, close  
25 personal friends who are in law enforcement. By law

1 enforcement, I mean police, detectives, Corrections,  
2 District Attorney's Office. Doesn't necessarily have  
3 to be in this County or court system in general.

4 First row, Ms. Apgar?

5 PROSPECTIVE JUROR: I don't know how close  
6 you mean.

7 THE COURT: Husband, cousin, you know, close  
8 to the extent that you would have, you know, somewhat  
9 regular contact with them and discuss perhaps what they  
10 do.

11 PROSPECTIVE JUROR: Yeah, not in detail.

12 THE COURT: Anybody else first row,  
13 Mr. Miller?

14 PROSPECTIVE JUROR: Nephew's a federal  
15 prosecutor.

16 THE COURT: Okay. Which jurisdiction, if you  
17 know?

18 PROSPECTIVE JUROR: I think the Eastern  
19 District.

20 THE COURT: Okay. Anything about his job you  
21 feel would influence your ability to serve?

22 PROSPECTIVE JUROR: Only that we've discussed  
23 cases and how, you know, evidence is compiled, that  
24 kind of stuff.

25 THE COURT: If I told you what I tell every

1 jury and you probably heard that when you sat in that  
2 last trial you said you sat on a number of years ago, I  
3 tell all my jurors everyday, close of the day not to  
4 form any opinions, not to talk among themselves or  
5 anyone else about the case. Can you give me your  
6 assurance you're not going to talk to the federal  
7 prosecutor about this case if you're selected? You can  
8 at end of the case, just not while sitting as a juror.  
9 Any problem with that?

10 PROSPECTIVE JUROR: No, only that we have  
11 discussed cases in the past.

12 THE COURT: That's fine. That's fine. Okay.  
13 Anybody else law enforcement, close friends, family,  
14 personally? Ms. Ramos?

15 PROSPECTIVE JUROR: My brother's a parole  
16 officer or probation officer, one of those, in  
17 Columbia, Maryland.

18 THE COURT: Would that affect you as a juror  
19 in this case in terms of ability to be fair and  
20 impartial?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Anybody else first row who I  
23 haven't spoken to? How about second row?  
24 Mr. Liesveld?

25 PROSPECTIVE JUROR: Yeah, I was a police



1 officer for a couple of years in the 70s late, 70s.

2 THE COURT: Where?

3 PROSPECTIVE JUROR: Warren County, Lake  
4 George, New York.

5 THE COURT: Okay. Again, you indicated a few  
6 moments ago you made an arrest also. I take it your  
7 current occupation you've testified?

8 PROSPECTIVE JUROR: Right.

9 THE COURT: You heard me a few moments ago  
10 talk about the fact that a police officer and  
11 detectives are going to be testifying in this case, and  
12 the same instruction I would give to you now, I would  
13 give to every jury in any criminal case; that is that a  
14 police detective must be treated no different or any  
15 less or any more than anybody else.

16 Is there any reason why you would not be able  
17 to follow that because of your occupation?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay. You have no problem in  
20 evaluating a police officer?

21 PROSPECTIVE JUROR: No.

22 THE COURT: You can accept a proposition that  
23 a police officer could be telling the truth, can be  
24 mistaken and on occasion can possibly lie?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Anybody else that has close  
2 personal friends in law enforcement?

3 Mr. Lebright?

4 PROSPECTIVE JUROR: Beside my wife, most of  
5 my friends are police officers between the City and  
6 Nassau County and lots of my neighbors.

7 THE COURT: Again, at the same time, can we  
8 have -- I asked Mr. Liesveld, would you be able to sit  
9 here, evaluate the officers you may hear in this case  
10 and the detectives as you would any other civilian  
11 person that would come in here?

12 PROSPECTIVE JUROR: Yeah, probably.

13 THE COURT: Not give them any greater or  
14 lesser weight because of their particular position?

15 PROSPECTIVE JUROR: Yeah, probably.

16 THE COURT: Anybody else second row?  
17 Mr. Rovere?

18 PROSPECTIVE JUROR: Yes, three neighbors who  
19 are; two in the City correction system, one who works  
20 here in Mineola in the court system.

21 THE COURT: Neighbors you say in the City  
22 correction system. Are they working in Riker's Island?

23 PROSPECTIVE JUROR: One works Riker's, other  
24 one I believe works in Brooklyn.

25 THE COURT: Okay. Again, the question I

1 asked I believe Mr. Miller for his assurance about a  
2 few moments ago, I would ask you, if you get selected  
3 as a juror in this case, I'm going to ask you not to  
4 speak to anybody, particularly including the neighbors  
5 or neighbor that may be affiliated with the New York  
6 City Department of Corrections.

7 Can you give me your assurance you'll do that  
8 for me?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Anybody else second row?  
11 Mr. Baxter?

12 PROSPECTIVE JUROR: Brother-in-law who's a  
13 retired New York Police Department worker. I spent a  
14 lot of time with him, and a good friend of mine was a  
15 retired detective in Long Beach. His son is now a  
16 corrections officer.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: But I don't see them that  
19 often.

20 THE COURT: And your relationships in the  
21 past wouldn't affect you in this case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Anybody else in that second row?  
24 All right. Moving on to what I call the crime victims  
25 question, going back first row, anybody here who either

1 themselves or a family member that's been a victim of a  
2 crime?

3 Mr. Miller?

4 PROSPECTIVE JUROR: Contractor who defaulted  
5 on and took the money and left.

6 THE COURT: Okay. That's in your personal  
7 circumstance? Is that something recently?

8 PROSPECTIVE JUROR: Took place I'd say  
9 between four and five years ago.

10 THE COURT: All right. Did it happen in  
11 Nassau County?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Was there any contact on your  
14 part with either the police department or the DA's  
15 Office?

16 PROSPECTIVE JUROR: Yes, actually money was  
17 obtained through the Sheriff's Department.

18 THE COURT: Okay. In other words, money was  
19 collected and then given to you as a result?

20 PROSPECTIVE JUROR: Correct.

21 THE COURT: Okay. Any other experience with  
22 crime victims?

23 I see you, Mr. Honan, Mr. Miller, anything  
24 else? Only thing?

25 PROSPECTIVE JUROR: Criminal involvement,

1 yes.

2 THE COURT: Mr. Honan, I'm sorry?

3 PROSPECTIVE JUROR: I had a cousin who was  
4 shot dead in the commission of a robbery.

5 THE COURT: How long ago was that?

6 PROSPECTIVE JUROR: About 15 years ago.

7 THE COURT: All right.

8 PROSPECTIVE JUROR: Driving a cab, and the  
9 perpetrator blew his brains out.

10 THE COURT: Okay. And did that happen in  
11 Nassau County?

12 PROSPECTIVE JUROR: No, it happened in the  
13 Bronx, actually, Manhattan.

14 THE COURT: Okay. Was that someone that was  
15 close to you?

16 PROSPECTIVE JUROR: Him first cousin.

17 THE COURT: First cousin. Okay. Would that  
18 in, and of itself, make you unable to serve as a juror  
19 in this case?

20 PROSPECTIVE JUROR: Yeah, I also had a  
21 brother who was shot too.

22 THE COURT: So you feel because of those  
23 experiences, you wouldn't be able to?

24 PROSPECTIVE JUROR: Yeah, probably. I mean  
25 I've also -- which I don't want to discuss in open

1 court --

2 THE COURT: Okay. All right. We'll get back  
3 to you with that in a second. Anybody else first row?  
4 Miss Apgar, crime victim question?

5 PROSPECTIVE JUROR: House was robbed.

6 THE COURT: That qualifies. How long ago?

7 PROSPECTIVE JUROR: Twenty years ago.

8 THE COURT: Okay. Would that experience, as  
9 I was asking Mr. Honan, would that affect your ability  
10 to serve as a juror in this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Anything else in that first row?  
13 Going to the second row, crime victim, you, your  
14 family, close personal friend?

15 Mr. Lebright?

16 PROSPECTIVE JUROR: My uncle was murdered.  
17 He was a token booth clerk murdered for the change when  
18 he was cleaning out the tolls.

19 THE COURT: How long ago was that?

20 PROSPECTIVE JUROR: About ten years ago.

21 THE COURT: I would assume that happened  
22 somewhere in New York City?

23 PROSPECTIVE JUROR: In Queens.

24 THE COURT: In Queens. All right. Same  
25 question I asked of your fellow prospective jurors in

1 the front. Would that experience affect your ability  
2 to serve as a juror in this case?

3 PROSPECTIVE JUROR: I don't really know if  
4 what this case is really about, so I don't know.

5 THE COURT: You heard me earlier say, if  
6 selected as a juror in this, case you have to put  
7 aside?

8 PROSPECTIVE JUROR: I'm just trying to be  
9 honest.

10 THE COURT: Right, right. I'll let the  
11 attorneys kind of follow up on that.

12 Anybody else in that second row?

13 Mr. Liesveld, beg your pardon?

14 PROSPECTIVE JUROR: Cousin who was assaulted  
15 and robbed in Queens.

16 THE COURT: Okay. And again, you know the  
17 question I'm going to ask. Do you feel because of that  
18 that, that's going to affect your ability -- I'm sorry?

19 PROSPECTIVE JUROR: Not sure. I would try.

20 THE COURT: Okay. Can you give me your  
21 assurance that, you know, this is this case, and that's  
22 that case?

23 PROSPECTIVE JUROR: Yeah.

24 THE COURT: And that obviously doesn't have  
25 anything to do with --

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: -- anybody's guilt or lack of  
3 guilt in this case?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. Anybody else in that  
6 second row crime victim question? And anybody who's  
7 close to you and either been accused or convicted of a  
8 crime? First row, anybody? Okay. Second row anybody  
9 close accused or convicted of a crime? All right.

10 Mr. Hohan, I know you wanted to say something  
11 in private. Why don't you step up at this point?

12 (Whereupon, the following took place at the  
13 bench:)

14 PROSPECTIVE JUROR: Yes, also my father was  
15 murdered in Manhattan a number of years ago, so, and my  
16 neighbor is a supervising DEA officer across the  
17 street, FBI. A lot of my friends are cops retired and  
18 stuff.

19 THE COURT: And it sounds to me like --

20 PROSPECTIVE JUROR: Get through all the  
21 stuff, you know, DWI I can sit on. I don't know about  
22 this.

23 THE COURT: You don't know about the nature  
24 of the case? Feel like you'd have some difficulty  
25 sitting?



1 PROSPECTIVE JUROR: I also have friends in  
2 Corrections up here, Club Med and stuff.

3 THE COURT: What did you call it? Club Med?

4 PROSPECTIVE JUROR: Club Med, and my  
5 father-in law was a federal prosecutor, ADA in  
6 Brooklyn. We would never discuss cases, by the way.

7 THE COURT: Good. Any questions, Mr. Lemke,  
8 of Mr. Honan?

9 MR. LEMKE: No.

10 PROSPECTIVE JUROR: It wouldn't be fair if I  
11 sat.

12 THE COURT: Okay. Any objection to excusing  
13 him?

14 MS. SINGAS: No.

15 MR. LEMKE: No objection, no.

16 THE COURT: All right. Mr. Honan, excuse you  
17 for cause, just going to go back to central jury. Give  
18 your name to my clerk.

19 Let me -- everybody, is there anybody,  
20 obviously given the time, I'm going to break to  
21 tomorrow morning. Is there anybody, either of you at  
22 this point you can agree on for cause so we don't bring  
23 them back here up necessarily?

24 MS. SINGAS: Nothing struck me.

25 MR. LEMKE: Nothing struck me.

1 MS. SINGAS: And I was listening, so --

2 THE COURT: All right. Very good.

3 MS. SINGAS: Let these other ones go.

4 THE COURT: I'm going to let them go for  
5 good.

6 MR. LEMKE: Want to fill the one seat, use  
7 the one, maybe?

8 THE COURT: We'll do that, yes. Not going to  
9 start questioning anymore. Somebody just remind me  
10 whoever we put in for seat number 5, I've got to --

11 MS. SINGAS: Yes.

12 (Whereupon, the following took place in open  
13 court:)

14 THE CLERK: Seats 5, Ralph Hurfadtado,  
15 H-U-R-F-A-D-T-A-D-O.

16 THE COURT: Step forward, Mr. Hurfadtado,  
17 join us. All right. Mr. Hurfadtado, I'm going to  
18 speak to you with the remainder of the 13 jurors  
19 tomorrow morning. At this hour, ladies and gentlemen,  
20 it's not wise for me -- we're at the point now  
21 generally turn it over to both prosecution and defense  
22 attorney. I a lot them basically around twenty minutes  
23 I'm not going to to want to interrupt, or for that  
24 matter, don't want to begin. We'll break until  
25 tomorrow, so what I'm going to do is I'm going to

1       excuse you for now, direct you to be back here tomorrow  
2       morning. We will not be in this courtroom tomorrow,  
3       going to be in the big building directly -- you're  
4       looking at right now on the first floor. We're going  
5       to be in Judge Calabrese's courtroom.

6               What I'm going to do is ask you to come here  
7       tomorrow. If you could come here 10 o'clock, hopefully  
8       parking on Fridays is usually a little bit lighter than  
9       it is during the week Monday through Thursday. We're  
10      going to pick it up tomorrow morning with the attorneys  
11      questioning you, then selections, if you will, so if  
12      you would follow the instructions my sergeant gives,  
13      I'll excuse you for now. Again, tomorrow morning 10  
14      o'clock. That's 262 Old Country Road. It's the Nassau  
15      County big courthouse, as I call it, the big courthouse  
16      building. James, my sergeant will tell you where to go  
17      when you come here 10 o'clock, not going to be coming,  
18      I don't believe, to this building. If I'm mistaken,  
19      James will tell you otherwise, so if you would watch  
20      your step as you step out.

21               (Whereupon, the jury panel left the  
22      courtroom.)

23               (Whereupon, a discussion took place, off the  
24      record, at the bench, among the Court, defense counsel,  
25      the assistant district attorney and a prospective

1 juror.)

2 THE COURT: On the record, Mr. Yefrem,  
3 prospective juror, is being excused with the consent of  
4 both sides. Good luck.

5 (Whereupon, the prospective juror left the  
6 courtroom.)

7 (Whereupon, the trial was adjourned to  
8 October 31, 2008.)



1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NASSAU: PART 49

3 -----X  
4 THE PEOPLE OF THE STATE OF NEW YORK,

Ind. No.  
436N/08

5 -against-

Jury Trial

6 RICARDO WALTERS,

Defendant.

7 -----X

8 October 31, 2008

9 Nassau County Court  
10 262 Old Country Road  
Mineola, NY 11501

11 B E F O R E :

12 THE HONORABLE JAMES P. MC CORMACK,  
13 Acting Supreme Court Justice  
(and a jury of twelve plus two alternates.)

14 A P P E A R A N C E S :

For the People:

15 THE HONORABLE KATHLEEN M. RICE,  
16 District Attorney, Nassau County,  
By: MADELINE SINGAS, ESQ.,  
17 THERESA TEBBETT, ESQ.  
Assistant District Attorneys

18 For the Defendant:

19 DENNIS LEMKE, ESQ.

20 CATHERINE R. PARKER,  
21 Official Court Reporter  
22  
23  
24  
25

1  
2  
3  
4  
5  
6 (Whereupon, the jury panel entered the  
7 courtroom.)

8 THE CLERK: Case on trial, People of the  
9 State of New York against Ricardo Walters, indictment  
10 4336N of 2008.

11 Are the People ready?

12 MS. SINGAS: Yes, People are ready.

13 THE CLERK: Defendant ready?

14 MR. LEMKE: Defendant ready, your Honor.

15 THE COURT: Good morning, prospective members  
16 of the jury. At this time, we're going to continue  
17 with our jury selection. What I would like to do,  
18 however, is fill seat number 3, and our remaining  
19 prospective juror, I'm going to also ask you to step up  
20 when your name, whoever of the two of you is called,  
21 and join us here and we're going to use everybody and  
22 we'll have fifteen prospective jurors.

23 MS. SINGAS: Judge, this is seat 3, so I  
24 think Mr. Hurfadtado is in 5.

25 MR. LEMKE: Mr. Hurfadtado should move down

1 two seats.

2 THE COURT: I'm sorry, Mr. Hurfadtado, one  
3 more time. All right.

4 THE CLERK: Seat 3, Leonard Mancuso,  
5 M-A-N-C-U-S-O, seat 15, Delsalina Sepulveda,  
6 S-E-P-U-L-V-E-D-A.

7 THE COURT: Come up, Ms. Sepulveda, we have a  
8 seat for you. You just can't see it. There it is.

9 All right. All right. Let me, before I let  
10 the attorneys begin their questioning, I just want to  
11 cover the two -- actually three new members to the  
12 prospective panel. Mr. Hurfadtado and Mr. Mancuso and  
13 finally, Ms. Sepulveda, everybody heard yesterday my  
14 preliminary instructions. Mr. Mancuso, Mr. Hurfadtado  
15 and Ms. Sepulveda, with regard to the different  
16 principles of law that apply in a criminal case; burden  
17 of proof, presumption of innocence, proof beyond a  
18 reasonable doubt. Everybody understand what I said  
19 yesterday? Anybody -- would anybody have any problem  
20 in following that? Anybody? The three of you? Okay.  
21 I also -- Mr. Hurfadtado?

22 PROSPECTIVE JUROR: Well, I have to say, your  
23 Honor, I feel predisposed towards a guilty verdict.

24 THE COURT: Okay. Without hearing any  
25 evidence?



1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. Just on the basis of what  
3 you've heard and seen so far?

4 PROSPECTIVE JUROR: Well, on the basis of the  
5 fact that he was arrested and that he's being tried by  
6 the District Attorney's Office.

7 THE COURT: Okay. All right. Mr. Mancuso,  
8 do you feel that way at all?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Ms. Sepulveda, do you have any  
11 problem with following my instructions about  
12 presumption of innocence, proof beyond a reasonable  
13 doubt?

14 PROSPECTIVE JUROR: No problem.

15 THE COURT: Either Mr. Mancuso or  
16 Ms. Sepulveda, is there any either personal or  
17 religious reasons that you could not vote either guilty  
18 or not guilty?

19 Mr. Mancuso?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Ms. Sepulveda?

22 PROSPECTIVE JUROR: No. I was mugged long  
23 time ago.

24 THE COURT: We're going to get to that in a  
25 second.

1 PROSPECTIVE JUROR: Right now, no, no  
2 religious.

3 THE COURT: All right. Mr. Mancuso, let me  
4 just ask you, sir, tell us the neighborhood in which  
5 you live.

6 PROSPECTIVE JUROR: Franklin Square.

7 THE COURT: Married or committed  
8 relationship?

9 PROSPECTIVE JUROR: Married.

10 THE COURT: Children?

11 PROSPECTIVE JUROR: Two children.

12 THE COURT: Their respective ages?

13 PROSPECTIVE JUROR: My son, 5, autistic, and  
14 I have a two-year-old daughter.

15 THE COURT: And your spouse, her employment?

16 PROSPECTIVE JUROR: She's a housewife.

17 THE COURT: Okay, and you yourself currently  
18 working?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. And Ms. Sepulveda, could  
21 you tell us the neighborhood in which you live?

22 PROSPECTIVE JUROR: Levittown.

23 THE COURT: Okay, and whether or not you're  
24 married or committed relationship?

25 PROSPECTIVE JUROR: Yes, I am married.

1 THE COURT: Children?

2 PROSPECTIVE JUROR: Four children in their  
3 forties.

4 THE COURT: Okay, Mr. Lemke. Can you hear  
5 Ms. Sepulveda?

6 MR. LEMKE: I can, yes. Thank you.

7 THE COURT: I'm just going to ask you to keep  
8 your voice up a little bit because I know you're  
9 sitting down there.

10 Are you currently working?

11 PROSPECTIVE JUROR: No, I am retired.

12 THE COURT: What kind of work did you do?

13 PROSPECTIVE JUROR: New York City teacher.

14 THE COURT: Okay. In Queens?

15 PROSPECTIVE JUROR: In Queens.

16 THE COURT: And, Mr. Mancuso, did I ask you  
17 what kind of work you did? Okay.

18 Ms. Sepulveda, your children, what type of  
19 work? If they're working, what type of work?

20 PROSPECTIVE JUROR: Uhm, my oldest one works  
21 for a computer associate, and the second one is a truck  
22 driver. The other one is a police officer in Queens,  
23 and the other one is a housewife.

24 THE COURT: Okay. The questions that I asked  
25 of everybody yesterday, Mr. Mancuso, I'll start with

1           you. Any prior jury service, criminal, civil, state,  
2           federal, grand jury?

3                   PROSPECTIVE JUROR: 22 years ago in Staten  
4           Island.

5                   THE COURT: Okay. What kind of case was it?

6                   PROSPECTIVE JUROR: It was a car accident  
7           case.

8                   THE COURT: Civil case?

9                   PROSPECTIVE JUROR: Yes.

10                  THE COURT: How about you, Ms. Sepulveda, any  
11           prior jury service at all?

12                  PROSPECTIVE JUROR: No, no.

13                  THE COURT: Mr. Mancuso, anybody close to  
14           you, family member, friend, close associate that's  
15           involved in law enforcement whether it's the police  
16           department, DA's office, corrections department, court  
17           system?

18                  PROSPECTIVE JUROR: No family, just a  
19           neighbor.

20                  THE COURT: Just a neighbor? Okay. Is that  
21           someone that you speak to regularly?

22                  PROSPECTIVE JUROR: Yeah, next-door neighbor.

23                  THE COURT: What type of law enforcement is  
24           he in?

25                  PROSPECTIVE JUROR: He's a court officer in

1 Hempstead.

2 THE COURT: How about you, Ms. Sepulveda?  
3 You said your son --

4 PROSPECTIVE JUROR: My son. My son is a  
5 police officer in Queens and a nephew is a police  
6 officer in Manhattan.

7 THE COURT: Okay. You heard me yesterday  
8 talk about that police officers are to be evaluated as  
9 witnesses in the trial just like anybody else. They're  
10 given no lesser or no more weight or credibility, if  
11 you will, just by virtue of their position. Would you  
12 have any problem in following that?

13 PROSPECTIVE JUROR: No.

14 THE COURT: No? How about you, Mr. Mancuso?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Even though you indicated there's  
17 nobody that close to you? No problem?

18 PROSPECTIVE JUROR: No.

19 THE COURT: You, Mr. Mancuso, anybody close  
20 to you or yourself been the victim of a crime?

21 PROSPECTIVE JUROR: No.

22 THE COURT: How about you, Ms. Sepulveda?  
23 Anybody close to you or yourself who's been a victim of  
24 a crime?

25 PROSPECTIVE JUROR: Well, I was. I was

1 mugged a couple of years ago.

2 THE COURT: Where did that happen?

3 PROSPECTIVE JUROR: That happened in Queens  
4 by the school and I was robbed in my house about ten  
5 years ago right here in Levittown.

6 THE COURT: The incident with the -- you said  
7 you were mugged in Queens?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Was there an arrest made? Was  
10 anybody arrested in that incident?

11 PROSPECTIVE JUROR: No one was arrested  
12 because I was not able to identify, and there was no  
13 witness because it was nighttime coming out from  
14 college.

15 THE COURT: I assume you had contact with the  
16 police?

17 PROSPECTIVE JUROR: Yes, I did. Yes, I did,  
18 and they hit me and I have a scar on my right eye since  
19 from that, but, yes, it was reported. It was reported  
20 to the police.

21 THE COURT: Okay. But no one was arrested?  
22 No one was arrested?

23 PROSPECTIVE JUROR: No, no one.

24 THE COURT: All right. You heard -- you've  
25 heard me indicate that some of the charges in this case

1 are robbery, among others, and they're allegations at  
2 this point. There's been no evidence put forward.  
3 They're allegations. This is why we're having a trial,  
4 but I want to ask you as you sit here now, in light of  
5 that that one experience or both of experiences, do you  
6 feel that you can sit as a juror in this case and be  
7 fair to both sides?

8 PROSPECTIVE JUROR: I think I will be fair.

9 THE COURT: If I tell you that you have to  
10 decide this case without fear, favor, bias, prejudice  
11 based upon calmly looking at the evidence, the  
12 testimony and the law as I give it to you, you'll be  
13 able to do that?

14 PROSPECTIVE JUROR: I will try.

15 THE COURT: Okay. And that should those  
16 feelings or memories about what happened to you in the  
17 past, obviously, it's obviously two separate incidents,  
18 you'll be able to put that aside, say, I'm going to  
19 decide this case based upon what I hear in this  
20 courtroom?

21 PROSPECTIVE JUROR: Yes, I will be able to  
22 separate them from what happened to me.

23 THE COURT: Let me ask you this. The fact  
24 that nobody was arrested in the incident with regard to  
25 the mugging, do you hold any resentment or bad feelings

1 about the police about how they may have handled that  
2 situation?

3 PROSPECTIVE JUROR: Uhm, not really, because  
4 like I say, they were not witnesses and I wasn't able  
5 to identify them. I just knew that they were  
6 teenagers. They were teenagers maybe around 17, 18  
7 years old. They were tall, skinny, but that's all I  
8 could say about them at that time, but, you know --

9 THE COURT: Would it be fair for me to say  
10 that you never looked at what's called a line-up at all  
11 or any pictures at all when you were with the police?  
12 Did that happen at all?

13 PROSPECTIVE JUROR: No, no, it didn't happen.

14 THE COURT: With respect to the incident in  
15 Levittown with your house, was there any arrest or  
16 prosecution as a result of that incident?

17 PROSPECTIVE JUROR: I really don't know.

18 THE COURT: As far as you know, there was  
19 none?

20 PROSPECTIVE JUROR: Well, I had detectives in  
21 my house and police officers in my house looking for  
22 fingerprints and all that, and they said that there  
23 were many other robberies around the area, the same  
24 type of mine; that it was everything was left clean and  
25 neat the way it was, the way I left it, and there was



1 no mess or nothing. And they say it's maybe the same  
2 people that robbed my house were the same people that  
3 robbed all the other houses, and, but --

4 THE COURT: Other than that --

5 PROSPECTIVE JUROR: Other than that, all I  
6 know is that I called the insurance, also have to put  
7 an alarm and new windows and new doors and it cost me  
8 more, but no one was arrested. We have suspicions, but  
9 that was it, no evidence.

10 THE COURT: Okay. All right. Mr. Mancuso,  
11 you said you had no close family members or yourself  
12 that had been the victim of a crime?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Finally, anybody close to either  
15 of you, Mr. Mancuso, that's been either accused of  
16 convicted of a crime? Ms. Sepulveda?

17 PROSPECTIVE JUROR: No.

18 THE COURT: All right. All right. At this  
19 point, I'm going to turn it over to the attorneys.

20 Ms. Singas, if you would, please?

21 MS. SINGAS: Thank you, your Honor. Okay.  
22 Good morning, jurors.

23 As the Judge told you, my name is Madeline  
24 Singas. I'm an assistant district attorney. It is my  
25 duty in this case to present evidence against the

1 defendant, Ricardo Walters. And as the Judge told you,  
2 we're going to be asking you some questions and the  
3 reason we ask you these questions is to determine if  
4 you are the right jurors to sit on this particular  
5 case; okay?

6 And as the Judge told you, the charges in  
7 this case include rape, robbery, kidnapping. You know,  
8 they're serious allegations. They're serious crimes.  
9 The testimony is going to be emotional, and we'd look  
10 to know based on your life experiences, if this is the  
11 kind of case that you'll be able to sit on and listen  
12 to the evidence fairly and impartially; okay?

13 The Judge also mentioned to you and you heard  
14 the list of witnesses that the People plan to call. A  
15 lot of those witnesses are police witnesses now, I know  
16 several of you have said that you have police officers  
17 as friends or in your family.

18 Mr. Miller, I think you said that.

19 PROSPECTIVE JUROR: Yes, prosecutor.

20 THE COURT: So the question I have for you,  
21 and it's going to be the same question for all of you  
22 who have law enforcement in your background, it's  
23 really two questions. The first question is, do you  
24 think that because you have a nephew who's a federal  
25 prosecutor, and I'm a prosecutor, that you're going to

1 give me extra credit and my case extra credit just  
2 because of your association with your nephew? You  
3 think that would be fair?

4 PROSPECTIVE JUROR: Well, I think I know from  
5 discussing many cases with him, I know the amount  
6 that's necessary to bring forth before a case can ever  
7 get on a docket.

8 MS. SINGAS: My question now is, do you think  
9 that you can put aside your discussions with your  
10 nephew about, you know, the quantity of evidence they  
11 need in a federal case versus what goes on straight  
12 case, take instructions only from the Judge as the  
13 Judge gives it to you? Will you be able to follow the  
14 Judge's instructions, and sort of put aside what you  
15 know from your nephew? Can you separate that?

16 PROSPECTIVE JUROR: I don't know. I don't  
17 know if anybody can answer that question. I really  
18 don't know if I can.

19 THE COURT: Well put.

20 PROSPECTIVE JUROR: It's like saying what  
21 will you do in a certain instance. You don't really  
22 know until it happens.

23 THE COURT: No, we're not. We're not asking  
24 to you look at a crystal ball, tell us what are you  
25 going to do two, three weeks from now. The only

1 concern that I would have is if, at the end of this  
2 case, when I give you the law on this case, that  
3 either, A, you would not follow it, or for reasons of  
4 information that you may have learned from your  
5 association with this federal prosecutor, or, B, that  
6 you would turn to that person and say, look, the Judge  
7 told me this is -- this is what we need, the elements  
8 that need to be met and this is what has to be shown in  
9 order for us to either vote guilty or not guilty. And  
10 in either case, you'd be violating your oath as a juror  
11 were you to do so.

12 So what we're asking you now at this point is  
13 can you give us your assurance that whatever the law is  
14 that I give you at the end of this case, that's what  
15 you'll follow when you make -- after you make your  
16 determination about the facts and apply the law to the  
17 facts as I've given them to you.

18 PROSPECTIVE JUROR: It would not be  
19 intentional to disregard.

20 THE COURT: I understand.

21 PROSPECTIVE JUROR: Can I say sitting here  
22 today that the 15 years of discussions with my nephew  
23 would not have some effect? I can't honest say yes or  
24 no.

25 THE COURT: For example, the federal system